THE

RUBRIC

IN THE

Book of Common Prayer,

AND THE

CANONS

OF THE

CHURCH of *ENGLAND*,

So far as they relate to the *Parochial Clergy*,

CONSIDERED.

In a Courſe of

Viſitation-Charges.

By *THOMAS SHARP*, D.D.
Archdeacon of *Northumberland*.

Publiſhed at the Requeſt of the Clergy of that Archdeaconry.

LONDON:
Printed in the Year M.DCC.LIII.
Re-printed, in the Year M.DCC.LXXXVII.
For B. WHITE, Fleet-ſtreet, and C. DILLY, in the Poultry.

MVSEVM
BRITAN
NICVM

To the Reverend the

CLERGY

OF THE

Archdeaconry of *Northumberland*.

AS theſe Diſcourſes were compoſed intirely for *your Uſe*, MY BRETHREN, and were addreſſed in their delivery to *you alone*, I ſhould have ſeemed to obſtruct their original Deſign, if I had not readily complied with *your* Deſire of making them public: And I ſhould have appeared equally unmindful of the Right and Title *you* have in them, if I had not inſcribed them to *you* at their Publication, and begged *your* Acceptance of them in this Form of your own chuſing.

It muſt indeed be confeſſed, that what is ſpoken in our Courts of *Ordinary Viſitation* is uſually done with no ſmall diſadvantage to the Hearers, whoſe attention is too often interrupted, or at leaſt rendered very incommodious, by circumſtances unavoidable on thoſe occaſions. And therefore a private and unmoleſted peruſal of theſe Charges, which theſe ſheets will afford *you*, may enable *you* to judge better of them than *you* could poſſibly do at the time of hearing them. And if, upon a cool and deliberate examination of them, you ſhall not withdraw the Approbation which *you* have ſignified by your late kind Requeſt, *you* will make this farther tender of my Reſpects to *you* greatly ſatisfactory to myſelf.

There are other Advantages alſo that may accrue from my preſenting them to *you* collected thus into one

Syſtem,

Syſtem, or *Body*. The chief of which, as I eſteem it, is, that, by this means, many of you, who had no concern in the Miniſtry, at leaſt not *here*, and conſequently no *Call* to my *Viſitations* when I firſt entered upon theſe Subjects, or who were occaſionally abſent while I was proſecuting them, will have the opportunity of ſeeing the *whole Plan* executed, and the ſeveral parts of it, which were before detached, and exhibited at great diſtances from each other, now brought together into one point of View. More than twenty years are elapſed, ſince I undertook the handling of theſe matters at thoſe ſtated Seaſons: A Period of Time within which a great alteration has been made, by the courſe of Nature, both in the *beneficed* and *aſſiſting* Clergy: So that few of thoſe, who have heard *the Charges* that make the latter part of

this

this Collection, were preſent at my delivery of the former.

I HAVE likewiſe taken the benefit of the preſs, in ſubjoining, by way of *Annotation*, what could not be conveniently inſerted in the *Body* of the Diſcourſes themſelves; *viz.* ſeveral little particulars ſubſervient to their Explication and Illuſtration, ſuch as, ----- References to the Authors I had cited, or from whom I had borrowed Materials; ----- Many occaſional Remarks, and ſome few Diſcuſſions of Points, which, though leſs ſignificant, are yet relative to the main Subject. And, as the Hiſtory of a *Rubric* or *Canon*, traced down from the earlieſt known appointment of it in this Realm to its preſent approved Eſtabliſhment, is the ſureſt way of coming at its true intention and uſe, I have therefore more particularly endeavoured to ſupply in the *Notes* whatever

whatever was wanting of this kind in the *Charges* themſelves: And, as they will by this means become more uſeful and inſtructive to the *younger Clergy*, ſo I am willing to perſuade myſelf, that they will not for this reaſon be leſs acceptable to the *elder*, who are better verſed in the *Eccleſiaſtical Hiſtory of our Church.*

I DO not know how far my expe-rience, as *a Parochial Miniſter*, may be preſumed to give any weight to the advices I have offered *you* under *another Character*, which I have had the undeſerved honour to bear for the ſpace of thirty years among *you*: Yet, as I have been all that while, and a ſtill longer time, a *Fellow-Paſtor* with *you* and *your Predeceſſors* in this *Archdeaconry*, and have given no ſlight attention to that more important, though leſs diſtinguiſhed, employment in the Church, I flatter myſelf,

myſelf, that I have had experience ſufficient to juſtify the uſe I have made of it in theſe compoſitions. And I can truly plead, in behalf of my *Charges* to you, that they are not merely the dictates of *Office*, but conſiſt, in good meaſure, of ſentiments formed upon obſervation, and confirmed by practice in the Miniſtry.

Some of you may remember, and can witneſs, that I did not venture to paſs my judgement on theſe ſubjects, or to uſe the privilege of my ſtation in diſcuſſing them in public, till I had been exerciſing myſelf above ten years in an extenſive cure; and conſequently could be no ſtranger to the *executive part* of thoſe *Eccleſiaſtical Laws* which I undertook to explain and enforce. And now I may venture farther to aſſure you, that I have enjoined *you* nothing but what I firſt had *made a rule* of to myſelf; that

I have

I have propoſed nothing, to any of *you*, as expedient to be obſerved in *your* ſeveral cures, but what I have experimentally found to be both practicable and convenient, at leaſt in *Country Pariſhes*, ſuch as I ſerve myſelf, and ſuch as moſt of *you* are placed in; and laſtly, that, in whatever inſtances I have taken the liberty, in my own practice, to depart from *the Letter of the Laws*, in all ſuch inſtances I have likewiſe left *you* free to act according to *your* own diſcretion and prudence.

Were I deſtitute of this *Apology* for what I have *given you in Charge*, it would ſcarce be reaſonable to expect you would pay regard to what I have ſaid. But, even when I have pleaded this in my defence, it muſt be left altogether to your judgement, whether this is a circumſtance that can otherwiſe befriend *theſe Diſcourſes*,

than as it gives them a decency and propriety, without which they muſt have wanted the principal thing neceſſary to recommend them.

A NOTION too commonly prevails of inſuperable Difficulties attending a ſtrict Conformity to the *Eccleſiaſtical Laws* in our preſent circumſtances; wherefore I have endeavoured, in every inſtance of *our Obligations*, either from *Rubric or Canons*, to obviate this objection, and reconcile *Law* with *Practice*, by ſhewing how our *Conduct* may be adjuſted to our *Rule*, and rendered uniform and irreproachable in itſelf, as well as conſiſtent with, and agreeable to, thoſe *Laws* by which it is to be regulated.

I CANNOT tell, indeed, how ſome things that I have obſerved, about *Conformity to Rubric*, may appear to *our Brethren* in ſome other parts of this

this Realm, and chiefly in thoſe great and populous Towns, where *Cuſtoms* repugnant to the *Eccleſiaſtical Laws*, and in manifeſt violation of them, have unhappily prevailed; and particularly in the articles of *Marriages*, *Baptiſms*, *Churchings*, &c. All I can ſay is, that I did not mean herein to paſs cenſures on other *Clergymen*, who are differently circumſtanced from what we are here. I am not indeed ſo good a judge of their ſituations and opportunities as I am of *yours*; nay, I am ſenſible that ſome things, *practicable with us*, can ſcarce be ſaid to be ſo, as matters now ſtand, in ſome other places, particularly in the *Capital of this Kingdom*; where the difficulties that the *Parochial Clergy* muſt neceſſarily meet with, in their attempts to govern their *Miniſtration* by the *preſcribed Rules* of the *Church*, after *Cuſtom* and *Faſhion* have eſtabliſhed a practice *contrary* to thoſe

Rules, are juſtly to be complained of, and greatly to be lamented, by them.

But, the caſe is otherwiſe within this juriſdiction, where, although ſome *irregularities* have been occaſionally committed, yet they have always been condemned as innovations upon *Church-Diſcipline*, and unwarrantable; and they have never grown into an avowed or cuſtomary practice. And therefore what I have urged againſt ſuch miſbehaviours, on purpoſe to prevent their coming by degrees into more frequent uſage, and, I conceive, juſtly urged with reſpect to *you*, ſhould not be rigidly interpreted to the blame or offence of *our Brethren* in other *Juriſdictions*, with whoſe *Miniſterial Acts* I am not concerned, and whoſe *peculiar diſtreſſes*, from the *predominancy of Cuſtom* over *Church-Authority* in the places where they ſerve, fell not within the verge and compaſs of my

my enquiries. So that the determination of all ſuch *extraordinary Caſes*, as ariſe from the *local impediments above-mentioned*, are left by me (as it is fit they ſhould) to the *Judgement* of thoſe *Clergymen* who by experience underſtand the ſtate of theſe caſes beſt, and to the *Wiſdom* of their *Eccleſiaſtical Superiors*, *who alone*, as I apprehend, have the *power* to relieve them *effectually* under ſuch circumſtances, and *who alone* muſt judge at *what time*, and in *what manner*, it will be *moſt prudent* to attempt the relief of their *Inferior Clergy* in this diſagreeable ſituation.

But, there are other things in *theſe Diſcourſes*, eſpecially in the twelve laſt, which are a kind of *Commentary* upon thoſe *Canons* which relate to *our Order*, under the *Title* of *Miniſters and their Functions*, that may chance to meet with a better reception

tion from *our Brethren* in other *Dioceſes*; as well becauſe this is the firſt attempt of that ſort, ſo far as I know, that has been hitherto made, as becauſe it has been my principal aim and endeavour, throughout, to give reaſonable ſolutions to ſuch queſtions as any *Clergyman*, who is unpractiſed in *Canon-Law*, and a ſtranger to theſe ſtudies, would be apt to aſk upon reading our *Canons*, reſpecting his *Adminiſtrations*, *Subſcriptions*, and *Converſation*. And, where I have not reſolved any ſuch queſtion directly, I have at leaſt brought together the proper materials for its reſolution; having laid down ſuch *general Rules*, for interpreting the *Conſtitutions* wherein we are concerned, as will, by a proper application of them, make the determination of *particular Caſes* pretty clear and obvious.

I SHOULD be glad, if what I have done this way might prove a means of

of exciting more able perſons to the ſame uſeful undertaking; being perſuaded that, if theſe ſubjects were proſecuted by more ſkilful hands, *the Obligations of the Parochial Clergy to conform to the Eccleſiaſtical Laws* might be exhibited with greater accuracy, as well as enforced by better authority.

In the mean time, it is enough for me, that I have been ſo happy as to obtain *your* teſtimony, that what I have prepared on theſe ſubjects for *your* conſideration has been done to *your* ſatisfaction. And, whatever Judgement ſhall be paſſed on theſe Diſcourſes in other Dioceſes, yet I am willing to hope for good effects from them within this juriſdiction to which we belong. And, give me leave to aſſure *you*, on this occaſion, that your good ſucceſs and credit in

the

the Miniſtry have long been, and always will be, among the warmeſt wiſhes of

Your affectionate Brother

and faithful Servant,

THOMAS SHARP.

DURHAM,
March 13, 1753.

THE first Diſcourſe in this Collection was delivered at the *Viſitation* held, in the year 1731, at BELFORD, ROTHBURY, and CORBRIDGE, in the *County of Northumberland*, and at NEWCASTLE upon *Tyne*.

THE reſt were delivered in the ſeveral years following, according to the *Dates* prefixed to each Diſcourſe, at the Viſitations held at ALNWICK and MORPETH in *Northumberland*, and NEWCASTLE upon *Tyne*.

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THE

THE RUBRICS and CANONS Of the CHURCH of *ENGLAND*,

So far as they relate to the *Parochial Clergy*,

CONSIDERED.

VISITATION-CHARGE, *Anno* 1731.

DISCOURSE I.

Different Degrees of Obligation to the Eccleſiaſtical Laws.

Reverend Brethren,

NOT having at this time any thing in particular to charge you with, I ſhall aſſume a general Topic; which, without any farther preamble, ſhall ſpeak its own propriety and ſuitableneſs to the occaſion:

AND that is, to enquire into the meaſures of obedience, due from us, of the Parochial Clergy of this Eſtabliſhed Church, to thoſe eccleſiaſtical Laws, Conſtitutions, and Rules, which relate to ourſelves and the duties of our Function: And how far we may, with a good conſcience, and without deſerving to be charged with the breach or violation

lation of them, depart from the literal meaning or preciſe obſervation of them, and how far we may not.

IT appears, upon the very putting or ſtating this Queſtion, that it is not to be underſtood of any Duties to which we are antecedently bound by the laws of the Goſpel, either as Men or as Clergymen; but only of ſuch Ordinances as are merely Eccleſiaſtical, and in their own nature indifferent, being no more than rules of Diſcipline, Order, and Decency, to the obſervance of which we are bound only by the local conſtitutions of our National Eſtabliſhed Church.

Now ſome are of opinion, that, if we do but anſwer the general intention of our Governors in making thoſe Statutes, and Canons, and Conſtitutions, of which collectively our Eccleſiaſtical Law conſiſts, though we do not keep ſtrictly to the letter of them, we do what is ſufficient to anſwer our obligations. And, though what we do may be called, with regard to the rules themſelves, *irregular*; that is to ſay, ſtrictly ſpeaking, *unſtatutable*, or *unrubrical*, or *uncanonical*; according as it reſpects the different kinds of Laws that are in force; and as ſuch will properly be a Default cognizable either in the Spiritual or Temporal Courts; yet, ſay they, wherever cuſtom hath given a kind of Sanction to theſe *irregularities*, and the Executive Powers have

uſually

uſually neglected to enforce the literal and punctual obſervance of the laws, there we are diſpenſed with, and are left at liberty to act according to our Judgement: That, as there is no peril, ſo neither is there any harm, in uſing our own diſcretion in all ſuch caſes.

BUT others there are, on the contrary, who think this ſort of reaſoning not juſt: But tell us, that, wherever our rule is clear and expreſs, though we may not ſee the expediency of it, yet we are bound to follow it ſtrictly, provided it be a practicable thing: Nor are we allowed to deviate from it, in any wiſe, on account of our own Opinion of the deſign of our Governors in enjoining it; of which deſign we are not to make ourſelves the Judges, farther than as it appears from their own words, which we are to interpret by the common rules of conſtruction. That, wherever the direction is not ſufficiently plain and explicit, there we muſt be guided by our Local Ordinary, whoſe determination muſt be our Rule. That, as all theſe Laws, however pertaining to things indifferent, were deſigned, on the one hand, to ſhut out ſuperſtition, and prevent all gradual advances to a *Religion of Ordinances*; and, on the other hand, to preſerve not only a public face and appearance of Eccleſiaſtical Polity, but a *Decency* and *Decorum*, in it; neither of which ends can be duly anſwered without Uniformity, that

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is, unleſs we do all agree in the ſame obſervances; ſo conſequently, ſay they, all Innovations, all Alterations, either way, in the ſame rule, muſt be prejudicial to our preſent Church-Eſtabliſhment; at leaſt till ſuch alterations ſhall be made by proper and ſufficient Authority.

HERE lies the force of what is to be ſaid on either ſide of the Queſtion. And we cannot but confeſs, that both theſe ways of arguing may be in their turns admiſſible; that is, though they cannot both be rightly urged for one and the ſame thing, yet they may both take place in the variety and different circumſtances of thoſe rules that are enjoined us by Authority: Although perhaps it may not be eaſy to aſcertain the preciſe bounds for each of theſe ways of reaſoning, and to aſſign the point where one of them will end, and the other begin.

IT is true, it were eaſy to diſtinguiſh between ſuch Laws as are of greater or leſs moment or expediency to be obſerved by us; or between ſuch as are bound upon us by greater or leſs ſanctions or penalties: Or between ſuch as have ſeemingly more or leſs validity and force by their being or not being repeated and promulged in different forms. But ſtill none of theſe diſtinctions will reach our preſent Queſtion. For, whatever is Law, to ſpeak properly, and according to the Juridical Maxim, doth not *ſuſcipere magis & minus.*

nus. Upon which reaſoning, lawful Canons and Conſtitutions have been adjudged to be *as much Law*, and *as good Law*, as Statutes. And therefore the reſolution of our preſent enquiry muſt be put upon ſome other footing.

Now I ſhall be free to tell you my own thoughts of the matter; though, at the ſame time, I do not propoſe them as certain rules for any of you. Surely it concerns every Clergyman to be his own Judge and Caſuiſt in theſe points. Every man will have his own ſentiments concerning his own perſonal obligations. However, it may help your private way of thinking on this ſubject if I offer to you the reſult of my own reflections upon it.

IN the firſt place, then, I apprehend we ought to make a difference (and it is a material one in our preſent caſe) between thoſe Laws and Rules, to the obſervance of which we have bound ourſelves by public declarations and expreſs promiſes, and thoſe which are bound upon us by authority only, without our formal conſent or voluntary ſtipulation to obſerve them. For, in this latter caſe, where our obligations ariſe merely from the authority that preſcribes, ſome things may be juſtly and reaſonably pleaded for a Diſpenſation for Non-obſervance, which yet cannot on any pretence be alleged in the former caſe, where we have, by one or more voluntary acts, made ourſelves parties, and have,

with great ſolemnity, tied ourſelves up to the performance of any Rite or Ceremony: Provided ſuch Law or Cuſtom be not againſt the Laws of God; which we are ſuppoſed to be clearly ſatisfied in, before we enter into ſuch engagements.

HENCE, then, we learn upon how different a footing our Rubric, to which we have thus bound ourſelves by expreſs conſent and promiſe, is from all other Eccleſiaſtical Laws, where our perſonal engagement is out of the queſtion. For, without conſidering the Rubric as Statute, and as ſuch only upon the level with ſeveral other ſubſequent acts of Parliament relating to our occaſional Miniſtrations, we are under this peculiar circumſtance of obligation to obſerve it, that we have, by our ſubſcriptions at both Ordinations, by one of our vows at the Altar for the Order of Prieſthood, by our ſubſcriptions and declarations of Conformity before our Ordinary, and repetition of them in the Church before our Congregations, and likewiſe by our declarations of aſſent and conſent, as preſcribed in the act of Uniformity; I ſay we have, in all theſe ſeveral ways, tied ourſelves down to a regular, conſtant, conſcientious performance of all and every thing preſcribed in and by the Book of Common-Prayer according to the uſage of the Church of *England*. And, ſeeing it hath been the Wiſdom of our Church to lay us under theſe engagements,

engagements, in order to preſerve exact uniformity in public worſhip and all the liturgic offices; nay, ſince it hath been judged proper to carry us through a train of theſe ſtipulations before we can get poſſeſſion of any benefice; and to make us renew them again and again, as often as we change our preferment, or obtain any new promotion; and ſeeing that we have entered (as we have profeſſed) *ex animo* into this covenant with the Church, and have deliberately renewed it as often as there hath been occaſion; How frivolous is it for any of us to ſay, that the connivance, or the preſumed conſent, of our Ordinary, or the private conveniency of ourſelves or families, or the obliging any of our Pariſhioners, or the apparent inexpediency of adhering to the letter in ſome few caſes, will diſſolve this our obligation to Conformity? Why ſurely we muſt know, that theſe and the like allegations are quite out of the caſe; that, however our Church-Governors may diſpenſe with our breaches of Rubric, however our people may acquieſce in them, or approve of them, yet that the Queſtion is, How far we are at liberty to diſpenſe with ourſelves on account of the forementioned engagements? To which God and the Church are made witneſſes in as ſolemn a manner as they are to our perſonal ſtipulations at Confirmation or Matrimony: Or, whether we have not, in this caſe, pre-

cluded ourſelves from all benefit of ſuch exemption of diſpenſation, as might perhaps be reaſonably alleged in ſeveral other merely ſtatutable or canonical matters?

THIS, indeed, we muſt always take along with us, that our obligations to obſerve Rubric, how indiſpenſable ſoever, are ſubject to this proviſo, *viz.* that the rule preſcribed be a thing practicable; which perhaps cannot be ſaid of all Rubrics in all Churches, or in all places of the kingdom; nay, that it be a thing that falls within the Miniſter's power, ſo that he be not deprived of his liberty in acting, or reſtrained in it by the previous acts of other people; whereby what would be practicable in itſelf is rendered not practicable by him. I will not poſitively ſay, that no other proviſo is to be allowed of or admitted; becauſe this cannot be determined abſolutely, or otherwiſe than by a particular conſideration of each rule or injunction under ſeveral different circumſtances, which I ſhall hereafter (God willing) examine diſtinctly. But at preſent we may affirm, in general, that we are under higher obligations to obſerve Rubric than any other Eccleſiaſtical Law whatſoever; that, excepting a very few caſes, or under ſome neceſſary limitations and reſervations, to be hereafter ſpecified, we are bound to adhere to it literally, punctually, and perpetually; and that whoſoever, among the Clergy, either

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adds to it, or diminiſhes from it, or uſeth any other rule inſtead of it, as he is, in the eye of the law, *ſo far* a Non-conformiſt, ſo it behoves him to conſider with himſelf, whether, in point of conſcience, he be not a breaker of his word and truſt, and an eluder of his engagements to the Church.

PROCEED we then to enquire how the queſtion ſtands with reſpect to the remaining large body of Eccleſiaſtical Laws which relate to our Function, and to which we are not bound by any formal promiſe, but only by virtue of their own authority.

AND here, in the ſecond place, I apprehend we may look upon ourſelves as diſcharged from all ſuch as are, by length of time, and through diſuetude, antiquated and grown obſolete, though they were never actually repealed by any proper authority. That is to ſay, there are a great many old Eccleſiaſtical Laws and Rules which were once binding upon the Clergy, and which yet make no ſmall part of the Eccleſiaſtical Code, which notwithſtanding have been abrogated and repealed (if I may ſo ſpeak) *by the mere authority* of cuſtom; the Legiſlature in the mean time acquieſcing in their dormancy. Of this ſort are the Provincial and Legatine Conſtitutions; though the Provincial, indeed, properly ſpeaking, never belonged to the Clergy of this Province, although they were in part received. But, if they had belonged,

belonged, as well as the Legatine, yet their authority now-a-days would be as little. I ſhould, indeed, except the Spiritual Courts. I do not know what weight the Old Conſtitutions may have in *them*. To thoſe, who ſtudy the Canon-Law, they may be perhaps of great ſervice; but, with reſpect to the Parochial Clergy, whoſe obligations I am now conſidering to conform themſelves to the Canon-Laws, theſe old conſtitutions ſeem to have loſt their force and credit; and ſerve at preſent, like old coins, rather for matter of curioſity or criticiſm than for immediate uſe.

AND the ſame may be ſaid of ſome Statute-Laws too, about Eccleſiaſtical Matters, enacted before the Reformation; which none of us will think ourſelves obliged to regard, though they ſtand in the Statute-Books, to this day, unrepealed, otherwiſe than, as I ſaid before, by cuſtom and uſage. In theſe caſes, where long diſuetude and a determined avowed connivance of the Executive Powers have granted a full toleration and exemption from the penalties of Non-obſervance, I conceive we are left at our own liberty.

THUS far we have taken the matter in the two extremes, and conſidered where our obligations are at the higheſt, and where they are at the loweſt, or, rather, where they ceaſe and determine. Now whatever falls between theſe two will make a third and a mixed

mixed claſs. And here particularly will fall our preſent body of Canons of 1603, and alſo ſuch occaſional acts of Parliament as have been made ſince the Reformation.

Now, as to the Canons in particular, I believe no one will ſay that we are bound to pay obedience to them *all* according to the letter of them; for, the alterations of cuſtoms, change of habits, and other circumſtances of time and place, and the manner of the country, have made *ſome of them impracticable*; I mean prudentially ſo, if not literally. Others of them are uſeleſs, and invalid of courſe, through defect of proper officers and proper enquiries to render them of force and effectual: And there are hardly any of them but what have been upon extraordinary occaſions diſpenſed with by our Governors. And yet, on the other hand, that they are of very conſiderable authority, appears from hence, that they are the ſtanding eccleſiaſtical Laws of the realm, the conſtant rules of the Ordinaries enquiries at their viſitations, the grounds of preſentments of Delinquents and Irregularities upon oath, and the foundation upon which eccleſiaſtical Cenſures and Judgements commonly ſtand.

OUR preſent Queſtion then muſt be, What meaſures of obedience we of the Clergy owe to thoſe Canons which reſpect our own behaviour or function?

To which I anſwer, that, in my own opinion, there are three ſorts of diſpenſations which

which will juſtify us in not ſtrictly following the letter of the Canons, provided we have always an eye and regard to the general deſign of them.

THE firſt ſort are formal and expreſs Diſpenſations from ſufficient authority, which are good in Law and Conſcience too.

THE ſecond are particular tacit Diſpenſations; that is, when the Ordinary, or other proper Guardian or Conſervator of the eccleſiaſtical Laws, is known to be conſenting in any ſpecial caſe, though he doth not ſignify ſuch conſent either by inſtrument or open declaration. And theſe I hold to be good in Conſcience, whatever they be in law.

THE third are general tacit Diſpenſations, when the Ordinaries or other ſpiritual Judges, whoſe buſineſs it is to enforce diſcipline and rule, do appear, by a general and avowed neglect of putting the Canons in force, to agree and conſent to their non-obſervance. That is to ſay: Private Clergymen do not ſeem to be bound to what their Superiors in the Church do not ſeem to expect or require of them; or which at leaſt they do forbear by mutual agreement to enforce. If there is any fault here, it lies rather at the door of the Church-Governors than the Parochial Clergy. However, while *they* look to that who are moſt concerned in it, I proceed to obſerve,

THAT

THAT theſe three kinds of Diſpenſations ſeem to be good and juſtifiable, provided, as I ſaid before, that there be a particular expediency in not adhering ſtrictly to the letter of the Canons, and the general and main deſign of the rules enjoined in them be as well or better anſwered another way. For, otherwiſe, where the thing is both feaſible and unexceptionable, ſo that a man may as well follow the rule as not, I cannot think but that he is ſtrictly bound by it, notwithſtanding any kind of Diſpenſation to the contrary. For, all Diſpenſations are ſuppoſed to be founded upon ſome ſufficient reaſon why ſuch particular things ſhould not be literally obſerved by ſuch particular perſons. Nor is there any liberty to be taken with the ſtanding Eccleſiaſtical Laws, farther than there is a good reaſon, and a peculiar expediency, as well as licence, given or preſumed thereupon, for taking it.

THE Rules of Direction then, which follow upon theſe Obſervations, are theſe two: Which indeed not only reſpect the Canons, but ſeveral other Statute-Laws yet in force.

FIRST, to adhere cloſely and ſtrictly to the letter of them in all caſes where we cannot plead any of the three kinds of Diſpenſations above-mentioned.

SECONDLY, in all caſes where we can plead a Diſpenſation from the letter, to anſwer the true intention of them ſome other

way: And not to depart farther from them than we have ſatisfactory reaſons, as well as leave, to juſtify and warrant us in doing.

AND, by theſe two rules, it will be no difficult thing to take the juſt meaſures of our obedience to every particular Canon or Statute that relates to our Function, Habit, or Converſation.

I HAVE, indeed, all the way, purpoſely avoided giving inſtances of thoſe particular Statutes, Canons, and Conſtitutions, which I had in my eye in the courſe of theſe obſervations; becauſe this would have taken up too much of our time now. But I intend, with God's leave, hereafter, as future opportunities may allow, to apply what is now ſaid in general to all particular caſes, as well rubrical as canonical, in which we are, or ordinarily can be, concerned.

AT preſent, I ſhall only confirm the diſtinction I have made between our obligations to obſerve Rubric and Canons by a parallel caſe, taken from the doctrines to which our Church hath required our aſſent and approbation to be expreſſed, but in a different degree and manner.

THE XXXIX Articles and the two books of Homilies are the doctrine of this National Church, as eſtabliſhed ſince the Reformation. In like manner, the Rubric and Canons are the ſtanding Laws of this Church. And, as the Articles and Homilies are ſet forth by Authority

Authority to be the rule of our Doctrine who are admitted to be Teachers in this Church, ſo likewiſe the Rubrics and Canons are to be the Rule of our Miniſtration who are appointed to officiate in this Church.

Now we ſhall find, upon examination, that the ſame degree of preference, that is given to the Articles of Religion before the Homilies in point of Doctrine, is given to the Rubric before the Body of Canons in point of Practice.

THE XXXIX Articles, for inſtance, being the capital rule of our Doctrine, *as we are Teachers in this Church*, (they being this Church's interpretation of the Word of God in Scripture ſo far as they go,) and deſigned as a bulwark againſt Popery and Fanaticiſm, we are bound to a very full and explicit acknowledgement, under our hands, that we do, deliberately, and adviſedly, and *ex animo*, aſſent to every part and propoſition contained in them. For, this every body knows to be the meaning of clerical Subſcriptions, both before Ordination and as often as the three articles of the 36*th* Canon are ſubſcribed by us.

IN like manner, the Rubric, being the ſtandard of Uniformity of Worſhip in our Communion, the adding to which tends towards opening a gap to popiſh ſuperſtitions, and the increaſe of human inventions in the ſervice of God; and the ſubtracting from which tends towards paving a way to a fa-

natical diſuſe and contempt of Rites and Ceremonies; therefore we are obliged not only to declare our *ex animo* approbation, aſſent, and conſent, to the matter of the Rubric, but are laid under religious promiſes, that we will, in every particular preſcribed in and by it, conform ourſelves to it as the rule of our miniſtration.

AND indeed, conſidering that both the Articles and the Rubric are Statute as well as Canon Law, and have equally the ſanction and authority both of the Temporal and Spiritual Legiſlatures; and conſidering the condition upon which we are admitted to miniſter in this Eſtabliſhed Church, which is our ſolemn reception of them both *as our Rule*; I do not ſee how any man can, with a good conſcience, continue acting as a Miniſter of our Church, who can allow himſelf either to depart from her Doctrine, as expreſſed in her Articles, or from her Rites and Ceremonies as preſcribed in the Service-book. Wherefore it is not without reaſon that the 38*th* Canon, which is intitled *Revolters after Subſcription cenſured*, expreſſly denounces, *that, if any Miniſter, after having ſubſcribed the three Articles of the* 36*th Canon, ſhall omit to uſe any of the orders and ceremonies preſcribed in the Communion-book, he ſhall be ſuſpended; and if, after one month, he reform not, he ſhall be excommunicated; and if, after the ſpace of another month, he ſubmit not himſelf, he ſhall be depoſed from the Miniſtry.*

UNDER

UNDER ſuch ſtrong ſecurities hath our Church obliged us to be obſervant of Rubric.

BUT then the caſe of Homilies and Canons is different from that of the Articles and Rubric. They are indeed equally ſet forth by Authority. The one is as truly the Doctrine, and the other is as truly the Law, of the Church. But ſtill the regard that we are ſuppoſed to pay to them is not equally the ſame. For, though we ſubſcribe to the Homilies, yet this ſubſcription amounts to no more than our acknowledgement that *they contain a godly and wholeſome Doctrine, neceſſary for the times they were written in, and fitting to be publicly taught unto the People*; and not that we will maintain every particular Doctrine, or Argument, or Aſſertion, contained in them.

IN like manner we ſay as to the Canons. We receive them, in general, as a good body of Eccleſiaſtical Laws. We acknowledge the wholeſomeneſs and fitneſs of them all for diſcipline, and order, and edification, and proper, in every reſpect, for the times in which they were drawn up. But, we do not look upon every particular thereby enjoined as abſolutely and indiſpenſably requiſite to be practiſed now by us in the manner it is enjoined, any more than we hold our approbation of every ſentence or expreſſion in the Book of Homilies to be neceſſary. And, as the Laws allow licences to be granted to

certain

certain perſons to preach their own Sermons, inſtead of reading Homilies to the people; nay, as we univerſally preſume upon ſuch licence, though we have not a regular one, either from our Ordinaries or from the Univerſities; ſo likewiſe licences are granted to abſolve us formally from our obedience to the Canons in certain inſtances; nay, and we do uſually, in ſome other inſtances, take the ſame liberty that we do in preaching without ſpecial licence: *Viz.* from the conſtant and apparent connivance of our Ordinaries we infer a general tacit Diſpenſation for ſeveral practices, which, if examined by the letter of the Canons, would appear illegal and irregular. And I do not ſee much room to object againſt making ſuch an inference, provided we always uſe this liberty we take with the Canons with prudence, and caution, and moderation, and by a practice which we ſuppoſe will as fully anſwer the true intention of the Canons, as we ſuppoſe the preaching our own diſcourſes will anſwer the true intention of the Homilies.

BUT, give me leave to ſay, that, if any man ſhall extend this liberty, which he takes with the letter of ſome Canons, to rubrical injunctions; and ſhall preſume to innovate, or vary the form and practice therein preſcribed him; where no authority doth diſpenſe with him, he is as much to blame, and doth as much prevaricate, and fall from his

his ſolemn declarations and profeſſions, as if he extended his liberty, of preaching his own Sermons without licence, to the maintaining Doctrines in the pulpit contrary to, or inconſiſtent with, the XXXIX Articles of Religion.

AND thus much by way of general Diſtinction; the force and truth of which will much better appear, when we ſhall come, hereafter, to apply this general plan or ſcheme which I have now laid down to particular caſes, in which we are, or may be, concerned as Parochial Miniſters.

VISI-

VISITATION-CHARGE, *Anno* 1733.

DISCOURSE II.

The Rubrics in the Offices of Baptiſm conſidered.

Reverend Brethren,

MY laſt charge, if you remember, was a kind of general Introduction into an enquiry concerning the meaſures of the obedience, that is due from us, as we are Miniſters of this eſtabliſhed Church, to thoſe Eccleſiaſtical Laws and Conſtitutions which preſcribe the duties of our Function. It was propoſed, in proſecution of this deſign, as opportunities ſhould offer, to examine into the force and obligation of thoſe ſeveral laws and conſtitutions ſeparately and particularly. It were needleſs now to repeat any of thoſe general diſtinctions, which were then made uſe of, to determine the different degrees of obligation, which thoſe reſpective Laws, upon compariſon with each other, ſeem to carry along with them. Let it only be here remembered, that the Rubric claims our firſt conſideration, and that we are more indiſpenſably bound to the obſervance of that than of any other public injunction or national ordinance whatſoever relating to our office. The Rubric, therefore, ſhall be my firſt Topic.

AND

AND indeed it is a ſubject which, in the view we are now to take of it, is but very ſlightly and indifferently touched upon by any of the Commentators on the Liturgy: Who, though they have ſhewn great learning, and have taken laudable pains to recommend the public Offices both to Clergy and People, by ſhewing their antiquity and pointing out their beauties, yet they do not ſolve, or hardly attempt to ſolve, thoſe difficulties that an officiating Miniſter *may* have upon him, with reſpect to the aſcertaining the true meaning and intention of the ſeveral rubrical directions. Whereas this is the very point that I chuſe to conſider, as being the moſt neceſſary and uſeful, and to which I ſhall wholly confine myſelf.

IT ſeems moſt natural to begin with the orders for adminiſtering the Sacraments, theſe being the ordinances of the higheſt rank; for the more punctual obſervance of which, we are required to make a ſolemn promiſe, at our taking the Order of Prieſthood, *that we will adminiſter the Sacraments of Chriſt,* not only *as the Lord hath commanded,* but, *as this Realm hath received the ſame;* — *ſo that we may teach the people, with all diligence, to keep and obſerve the ſame.* Which, conſidered with our Declarations and Subſcriptions of Conformity, implies that we will keep cloſe to thoſe forms and rules that are preſcribed

for the due and regular adminiſtration of Baptiſm and the Supper of the Lord.

THE Rubrics relating to the ſeveral Offices of Baptiſm will ſuffice for our preſent conſideration.

THE firſt Rubric, before the office of public Baptiſm, directs, that *the People are to be admoniſhed, that it is moſt convenient that Baptiſm ſhould be adminiſtered only on Sundays and Holidays,* (giving alſo the reaſon of this *Convenience,*) but with an allowance, nevertheleſs, *if neceſſity ſo require, that children may be baptized on any other day.* The reaſon of the former part of this Rubric is plain enough: That this office, which is deſigned to be a public one, ſhall not be uſed on ſuch days, or at ſuch hours of the day, when there is no public ſervice performed, or congregation attending; and when, conſequently, the adminiſtration of Baptiſm would only be private in effect, though executed within the walls of the Church and with the public form. But, how the allowance is to be interpreted depends upon the meaning of the word *Neceſſity*; which can hardly be conceived to take place here in any ſuch ſtrict ſenſe as it is uſed in the Rubric before the office of private Baptiſm. For, *what Neceſſity* can there be, to prefer any other day for public Baptiſm before a Sunday or Holiday, which would not equally warrant a private Baptiſm; that is to ſay, ſuppoſing the expreſſion,

preſſion, *if Neceſſity ſo require*, be tantamount to the other in the following office, *if need ſhall compel.* If there were room to believe that both theſe Expreſſions related to the *ſame* Caſes, or *urgent Cauſes*, then the allowance to baptize *on any other day* muſt be underſtood only of *private* Baptiſms. But, as I fear it can hardly be ſo conſtrued, eſpecially as proviſion is made for ſuch caſes in the private Office, ſo neither am I able to aſſign the inſtances of which it may be properly underſtood. Should it be alleged, that no more might be intended by the expreſſion, than to except ſome caſes of *great inconvenience*, as it ſeems to be oppoſed to the words foregoing, *moſt convenient*, this meaning might well enough be approved, if ſuch conſtruction might be allowed.

UNDER ſuch uncertainty, the point that I chiefly reſt upon is this. That it doth not appear that we of the Clergy have any power lodged with us to judge and determine what are theſe caſes of *Neceſſity* or *Inconvenience* which deſerve a diſpenſation, or exception from the general rule. It is ſaid, that *the people ſhall be admoniſhed* to bring their Children to be baptized *only on Sundays or Holidays.* Which I ſuppoſe, with regard to us, is no more than a general direction to diſcourage their neglect of this Rubric, as we have opportunity, and to put them in mind (as often as there ſhall be occaſion to remind them) to bring their children when

there is a Congregation to witneſs their Baptiſm. *At leaſt on ſuch days, and at ſuch hours, as there is public ſervice uſually performed.* And, if they comply with the Rubric thus far as to bring their Children to Church on any day when there is ſtated ſervice, taking upon themſelves to anſwer for the *neceſſity* of the caſe, and withal give notice to the Curate of their intention, *either the night before* or *in the morning before Prayers begin*, as a following Rubric directs, I do not ſee that the baptiſm of their Children can be refuſed or poſtponed. But then, on the other hand, how far a Curate, though he take not upon himſelf to judge of the neceſſity, *&c.* may take upon himſelf to baptize on any day, or hour of the day, *when there is no public ſervice*, is another Queſtion. This, I think, is clear, that he may juſtify himſelf in refuſing to do ſo, both by the Office, one part of which is the public *Reception of the baptized infant into the congregation of Chriſt's Flock*, and by the Rubric, which enjoins, that the baptiſm ſhall be adminiſtered *immediately after the ſecond Leſſon either of Morning or Evening Prayer*; which of the two is left to the Curate's diſcretion, but his diſcretionary power goes no farther.

You will obſerve, that, for the ſame reaſon, Baptiſm ought never to be deferred till the ſtated ſervice is over, where it can be performed in time of ſervice; which proviſo I put in

in on account of thoſe places, as Cathedral and Collegiate Churches for inſtance, where the uſual ſituation of the Font is at ſo great a diſtance from the Choir, or place of Divine Service, as to render the compliance with this injunction impracticable.

FOR, wherever the Font is, there, and there only, can this Office be regularly performed; which we of the Clergy ſhould take the more notice of, becauſe it is the only point in theſe previous Rubrics, placed at the head of the Office, which is expreſſly charged upon the Miniſter: *The Prieſt, coming to the Font, and ſtanding there, ſhall ſay.*

THERE is an obvious remark to be made upon this Reſtriction as to place, *viz.* That no Miniſter ought to uſe this public form in a private houſe, or indeed in any place except at the Font itſelf, to which the uſe of it is reſtrained. Nay, if the Rubric did not forbid him, the very Office itſelf would, in which he is directed to pray in theſe words: *Grant that whoſoever is here dedicated to thee, by our Office and Miniſtry, may be indued with heavenly Virtues,* &c. Conſider whether theſe words can be conſiſtently, or indeed without abſurdity, uſed in a Parlour or Bedchamber, or in any other place ſave at the common *Baptiſtery*, or *fountain of baptiſm*, (as the old Offices term it,) appropriated to each Pariſh or Congregation. But, as I have formerly enlarged upon this

irregularity

irregularity of uſing the public form out of the Church, I ſhall therefore ſay no more upon that head at preſent.

IN the Office of public Baptiſm itſelf, there is nothing of ſcruple or difficulty, nor any thing liable to miſtake, till we come to the Stipulations: But *there* is ſomething that deſerves our particular notice and attention; which is this.

WHEN two or more children are brought to the Font together, whether we may put the interrogatories once for all, or whether we ought to repeat them *as often* as there are children to be baptized?

THERE is no Rubric, at the head of theſe interrogatories, to determine us expreſſly either way. Nor do the writers on the Liturgy ſupply the want of ſuch Rubric by their Annotations on this paſſage. And therefore it may poſſibly be looked upon as a nicety not to be inſiſted on. But yet I apprehend, what is not expreſſly ordered may be very clearly collected by comparing the Rubrics of this Office with thoſe of the two Baptiſmal Offices that follow; and more eſpecially with the old Rubrics relating to theſe Offices. By all which it will appear, that the interrogatories are to be as often repeated as there are infants to be baptized. The reaſons are as follow.

FIRST, it is an eſtabliſhed rule, that we are never to alter or depart from the preſcribed form

form of words in our Liturgy without allowance; which allowance is always either expreſſly made in the margin by a Rubrical Note, or ſignified by printing the words which may be altered in a different manner or letter from the reſt. Which method, of diſtinguiſhing words in Printing, hath obtained in all our Prayer-Books ſince the Reſtoration. Thus, for inſtance, in many places of theſe Baptiſmal Offices, as in the prayers and exhortations preparatory and ſubſequent to the Baptiſm itſelf, proviſion is made for adapting the forms to any number of perſons, as well as to either ſex; and, whenever the difference of the character denotes the words to be changeable, we may uſe *him*, *her*, or *them*, *this child*, or *theſe children*, &c. as occaſion ſhall require. But then it is to be obſerved, that, in the three moſt material paſſages of all, *viz.* the forms at the *Stipulation*, at the *Affuſion*, and at the *ſigning with the Croſs*, no ſuch diſtinction of characters appears, nor is any allowance ſignified to alter the words from the ſingular to the plural number; becauſe theſe, being applicable only to one perſon at once, could not conſiſtently be uſed to more than one at the ſame time. Every Child is to anſwer for itſelf by its Sureties, as well as be baptized by itſelf, or received into the Congregation by itſelf. Therefore the interrogatories, all running in the ſingular number, without

without any mark of permiſſion that they may at any time be expreſſed in the plural, are to be put to each child, or its repreſentatives, diſtinctly; in like manner as the form and action of baptizing, and the form of receiving with the ſign of the Croſs, are to be repeated over every infant ſeparately. And, as this uſage, with reſpect to the two latter forms, obtains univerſally, and admits of no doubt, when the office is performed for more children than one; ſo I do not ſee but we are equally bound, both from the reaſon of the thing, and from the expreſs wording of the office, to follow the ſame rule with reſpect to the interrogatories. And, that this was the very deſign of the Compilers of the Liturgy in framing the Queſtions in the ſingular number, we may collect from hence, which is my other obſervation in ſupport of this practice, *viz.*

SECONDLY, that, in the firſt Service-Book of King *Edward* VI. there is a Rubric, placed immediately before the interrogatories, which directs, that *the Prieſt ſhall then demand, of the child which ſhould be firſt baptized,* (the whole Office, running in the plural number, ſuppoſes more children than one brought to the Font,) *the Queſtions following: Firſt naming the child, (viz.* addreſſing himſelf to the child,) *and ſaying, Doſt thou forſake the Devil,* &c. And, to put it out of all doubt that every other child to be baptized

tized at the ſame time was alſo to be thus diſtinctly interrogated, there is a farther Rubric in theſe words: *When there are many to be baptized, this order, of demanding, baptizing, putting on the Chryſom, and anointing, ſhall be uſed ſeverally with each child.* The Prayers and Exhortations, *&c.* might be uſed for all in common; but, the more material forms were to be repeated diſtinctly, and applied perſonally.

I WILL not affirm, indeed, as ſome have done, that, in our preſent Office, the interrogatories, though addreſſed to the ſureties, are, in any proper ſenſe, put to the child, as they were in the old Service-Books. There are indeed ſome paſſages, retained unaltered in our preſent Office, which may countenance this opinion; as theſe words in the Exhortation, *This infant muſt faithfully, for his part, promiſe by you, that are his Sureties*; and this queſtion among the interrogatories, *Wilt thou be baptized in this Faith?* Which may ſeem as if the demands were made to the perſon of the child: But whereas, in the laſt Reviſal, the application is made immediately to the Sponſors, with this alteration in the Form, *Doſt thou, in the name of this child,* &c. it appears that the Sponſors themſelves are interrogated, and contract for the child by anſwering in its name, and declaring on its behalf. But then it is to be obſerved, with regard to our preſent queſtion, that, by their

being addreſſed ſtill in the ſingular number, (and not in the plural, as they are in all other parts of the office,) the queſtions are propoſed to them as if each of them ſingly repreſented the perſon of the child, and each of them made anſwer for it; or, as if they, being three, did altogether repreſent but one perſon.

Now, this being noted, you will plainly ſee the reaſon why, though it is not improper to addreſs three perſons in the ſingular number, becauſe theſe three repreſent one, yet it would be highly improper, if not abſurd, to addreſs ſix in the name of two, in the ſame form, or to uſe the ſingular number to nine, when they are not ſuppoſed to repreſent one, but three. The Office, therefore, not directing, and, as far as appears, not allowing, any alteration in the words of the interrogatories, does virtually forbid any ſuch inconſiſtent application of them, as this abovementioned ſeems to be.

IF it be ſaid, that the Office may be preſumed, after all, to admit of ſo ſlight an alteration in the interrogatories, as is frequently not only allowed, but pointed out, in other parts of it, and that there can be no great harm in ſaying to the Sponſors, *Do ye, in the name of theſe children*, &c. I anſwer, that it is no ſlight matter to break through a form that has been eſtabliſhed by our Liturgies ever ſince the Reformation. For, whatever changes

changes have been made in the Service, yet in this particular there has been none. This ſtands invariably the ſame, as well in thoſe Liturgies that run throughout this Office in the plural number as in that which we uſe at preſent. And it is pretty remarkable, that, in the Office for Adults, added at the laſt Reviſal, though it runs throughout in the plural number, yet the interrogatories are in the ſingular; and a Rubric is put at the head of them, requiring *the Prieſt to demand, of each of the perſons to be baptized, the queſtions that follow.* Which I apprehend to be a ſufficient explanation of the deſign of the Reviſers, that the ſame muſt be done in the two former baptiſmal offices, though there happens to be no particular Rubric in either of them to direct it.

I HAVE one thing more to take notice of in this Office of public Baptiſm, (which I mention once for all, the direction being the ſame in the other two offices that follow,) *viz.* that our Church doth not direct *Sprinkling*, or *Aſperſion*, but *Affuſion*, or *pouring of Water* upon the children to be baptized. It is true, the quantity of water to be uſed is no where preſcribed, nor is it neceſſary that it ſhould: but, however the quantity be left to the Miniſter's diſcretion, yet it muſt be underſtood to determine itſelf thus far; Firſt, that the action be ſuch as is properly *a waſhing*, to make the Adminiſtration

correſpond with the Inſtitution; and this we ſhould obſerve as Miniſters of Chriſt at large. Secondly, that the action be ſuch as is properly *a pouring of Water*, which is the Rubrical Direction to expreſs *that waſhing* at all times when *dipping* is not practiſed. And this we are bound to obſerve as Miniſters of the Church of *England* in particular; taking it always for granted, that there is a reaſon for whatever is preſcribed in Rubric, and ſuch an one as is not to be contradicted by our private practice, or rejected for the ſake of any Modes or Cuſtoms brought in we know not how.

AND we ſhould the rather keep to this rule of *Affuſion*, becauſe we have in a manner loſt that more primitive way of baptizing by *Immerſion*; Cuſtom having *certified*, in general, that it is the opinion and judgement of all, who bring their children to the Font, that they are *too weak to endure dipping*. Or, if we would have their ſentiments certified more explicitly, there being a Rubric to that purpoſe, we are ſure (as Dr. *Wall* obſerves) to find a certificate of the Children's weakneſs in their dreſs; and, to aſk for farther ſatisfaction would be a mighty needleſs enquiry. I mention this obſervation of his as the beſt apology I know of for our preſent practice of baptizing *by Affuſion*, without any formal declaration being made, according to Rubric, of the danger of *dipping*.

It is not ſaid we ſhall aſk any queſtions: And, when we are ſure aforehand what would be the anſwer if the queſtion were aſked, we ſeem under no obligation, as we are under no direction, to put it at all.

BY the Rubric that ſtands before the next Office, the Curate is required *to admoniſh the people not to delay the baptiſm of their children, nor cauſe them, without neceſſity, to be baptized privately in their houſes.* As it is not ſaid whether theſe monitions ſhall be from the Deſk or the Pulpit, or given in private as need ſhall require, ſo we are at liberty, as I judge, to execute this direction in ſuch a manner as we think will moſt effectually ſerve the end deſigned. The former admonition, againſt deferring baptiſm, there is perhaps ſeldom occaſion for: And the latter, concerning private Baptiſm, is always moſt reaſonable when the thing itſelf is propoſed to us without the Rubrical Warrant *of a great and reaſonable cauſe* to juſtify it. It is the Curate's part, on ſuch occaſions, to declare and explain the rule by which he is to act. But, when he hath done this, I will not ſay how far he is authoriſed to refuſe private Baptiſm when ſeriouſly deſired, though he be not altogether ſatisfied in the *greatneſs and ſufficiency of the Cauſe*; for, he cannot always be a proper judge of it. He muſt, for the moſt part, truſt to the judgement and integrity of others. But, as he can, generally ſpeaking,

diſtinguiſh

diſtinguiſh between reaſons and pretences, between an accidental extraordinary cauſe and a caſe of mere humour or private intereſt, he will do well, and as he ought, never to ſacrifice the Rules of his Miniſtration, and the Orders of the Church, to any man's fancies or domeſtic conveniences.

IN the Office, for receiving children privately baptized into the Congregation, the firſt doubt, that offers itſelf to the Miniſter, is the manner of certifying a Baptiſm which he himſelf adminiſtered. When he certifies, upon the anſwers to the Interrogatories, that the baptiſm was duly adminiſtered by another lawful hand, the form of the Certificate, which is the ſame that ſtood in the old Prayer-Books, is clear and unexceptionable, in which there is a proper tranſition to the Goſpel, or connection of the Certificate with the following part of the Office. But, when he certifies his own act, by a form that was put in at the laſt Reviſal for that purpoſe, it doth not appear, either by the words themſelves, or by the Rubrics relating to theſe Certificates, whether that form is complete as it ſtands, or whether it was deſigned only as a different preamble to be prefixed to that part of the other certificate which will connect it with the Goſpel; or rather, whether they are not both to be looked upon as one and the ſame form of certifying, with this only difference, that their reſpective introductions are a little diverſified,

diverſified, *mutatis mutandis*, as the caſes to be certified require.

IN Biſhop *Coſins*'s Scheme of alterations and amendments, drawn up at the Reſtoration, the new form of certifying (then deſigned to be added) ſtands thus:

I certify you, that, according to the due and preſcribed order of the Church, in caſes of neceſſity, at ſuch a time, and in ſuch a place, before divers witneſſes, I baptized this child, who, being born in Original Sin, &c. *ut infra*, referring to the remainder of the old form as a proper tranſition to the Goſpel; by which it is plain, that his deſign and meaning was, that, when a man certified his own act, the two forms ſhould be thus joined or incorporated. But, as neither ſuch direction nor ſuch reference, is to be found in our preſent Books, it ſeems a matter of diſcretion which method we take. We cannot be ſaid to tranſgreſs rule by omitting that clauſe in the ſecond form of certifying: Nor can we be charged with altering or adding to the Office, if we complete the firſt form by the ſecond, as Biſhop *Coſins* * judged we ought to do,

* THIS Remark from Biſhop *Coſins* (as likewiſe ſome others that follow) is taken out of a large Prayer-Book, with marginal Annotations, and Alterations in his own hand-writing. By the ſeveral directions given therein to the Printer, it ſeems to have been deſigned as a corrected copy for the Printer to follow. It is in the Biſhop of *Durham*'s Library, founded by the ſaid Biſhop *Coſins*.

and

and as the natural conſtruction of the Office intimates we ſhould.

WE want ſome direction likewiſe in what manner we are to uſe this Office, when there is one or more children to be baptized, as well as one or more children to be received by it into the Congregation. The greateſt part of each Office, being word for word the ſame, may reaſonably and conſiſtently be applied to both caſes, and be uſed in common; provided thoſe parts of each Office which are particular and appropriate to the different caſes be alſo uſed ſeparately. And this I take to be the uſual practice. Nor doth it ſeem liable to cenſure, though it is not authoriſed by any Rubric. And, all the ends and uſes of both Offices are as completely anſwered this way, as if they were to be performed diſtinctly.

BUT this indeed is ſaid upon a ſuppoſition that the queſtions to be put to the Sponſors are, as was above obſerved they ought to be, put on behalf of each child. For, the third queſtion in the firſt Office cannot poſſibly be made an Interrogatory in the ſecond. And I may here farther remark, that we are to obſerve the ſame rule in certifying the private baptiſms of thoſe with whom the ſecond Office is to be uſed. That is to ſay, when there are more than one to be received into the Congregation, we muſt certify the baptiſm of each of them diſtinctly, whether

baptized

baptized by ourſelves or by others; as appears from the manner in which thoſe certificates are printed, if compared with the reſt of the Office.

IT is farther to be noted, that, when a child is brought to be received which was baptized by ſome other hand, we ought to be punctual in putting the Interrogatories relating to that private Baptiſm, and in requiring the parties that are interrogated to be clear and explicit in their anſwers.

BISHOP *Coſins*'s note at this place, which he deſigned for a Rubric, was this: — *To every one of theſe queſtions muſt anſwer be directly given by thoſe who bring the child.* And with good reaſon, becauſe upon theſe anſwers depends our direction; either, firſt, *to certify, that in this caſe all is well done, and according to due order*, &c. or, ſecondly, to uſe the public Office of Baptiſm, with the hypothetical form; or, thirdly, to remit the child to thoſe who brought it, without either hypothetical Baptiſm or Reception into the Congregation.

IN the firſt of theſe caſes, which is the common one that comes before us, there is no doubt of our rule to proceed by, but what I have already ſpoken to. But, in the ſecond caſe, where the hypothetical form is to be uſed, it is here to be obſerved, that the action, preſcribed to be uſed with that form, is *Dipping the Child in the Font*, and not *pouring*

of water upon it, as is allowed to weak children in the public Office referred to. Should any one affirm this to be a mere omiſſion, which ought to be ſupplied out of the Rubric in the former Office, I cannot readily agree with him. For it ſeems moſt agreeable to the deſign of that Rubric, which gives a liberty of affuſion, in ſome caſes, when the common form is uſed, that ſuch liberty ſhould *not* be granted when the hypothetical form is occaſionally made uſe of. Becauſe, people being admoniſhed *to bring their children to baptiſm within the firſt or ſecond Sunday after their birth*, it may be ſuppoſed, that ſome children, ſo ſoon after birth, may be too weak to endure dipping: And therefore proviſion is made, in ſuch caſes, by affuſion. But, when they bring their children to be received, as no time is limited for their doing ſo, and no danger attends their delaying it, it may be ſuppoſed they would not bring them till they were of ſufficient ſtrength to *endure dipping*, in caſe any queſtion ſhould ariſe (and which they themſelves muſt needs be aware of in every doubtful caſe) concerning the Validity, in point of Eſſentials, of the baptiſm privately adminiſtered.

If this may be allowed as a ſufficient reaſon why no certification of the childrens weakneſs is required, and no mention made of pouring water, or affuſion, but only of dipping, on this occaſion; I ſhall conſider what

what is a Miniſter's proper Conduct in ſuch caſe, after I have ſpoken to the third point above mentioned, concerning the remitting of children to thoſe who brought them, without either the Hypothetical Baptiſm or Reception into the Congregation.

I WOULD examine this more particularly, becauſe the reaſons of it are not ſo obvious, and might not readily occur to a Miniſter's thoughts, (who hath not previouſly conſidered it,) if he were ſurprized with an occaſion unexpectedly coming before him to try his judgement of the matter.

THE point is this: Suppoſing, by the anſwer made to the firſt Interrogatory, *By whom was this child baptized?* it ſhould appear that it was baptized by a Lay-Hand; but, by the anſwers to the following queſtions, it ſhould appear nevertheleſs that it was baptized with water, and with the right form of words; what is the officiating Miniſter to do in this caſe? Proceed in the office of receiving the child he cannot, becauſe he cannot certify, that *in this caſe all is well done, and according to due order, concerning the baptiſm of the child.* For, notwithſtanding what Dr. *Heylin* hath ſuggeſted of Lay-Men being accounted *Lawful* Miniſters *in caſes of neceſſity*, yet I think nothing is plainer from the foregoing Rubrics, and from theſe very queſtions, than that our Church utterly diſalloweth of Laymen baptizing upon any pre-

tence whatſoever; and maketh the commiſſion and authority of the Adminiſtrator, though not eſſential, yet, requiſite to the due and regular adminiſtration of the Sacrament. So that it would be a preſumptuous tranſgreſſion of Rubric to receive ſuch child as being already *lawfully* baptized.

ON the other hand, he is not directed, neither is he authorized, in ſuch caſe, to adminiſter Baptiſm hypothetically; becauſe the uſe of that form is expreſſly reſtrained to ſuch caſes only where uncertain anſwers are given concerning the *Matter and the Form*, which are termed *the Eſſentials*, as you will ſee in the Rubric at the end of this Office, referred to above, in which there is nothing ſaid of the Adminiſtrator or his commiſſion, as if this were a point *not eſſential*, not abſolutely neceſſary. Nor, in ſhort, doth it appear by any Rubric in this Office, or by all of them together, however compared, what it is a Miniſter muſt do when the reſult of his enquiry into the validity of any child's Baptiſm is ſuch as I have now put it; that is, when he is ſatisfied as to the form of the adminiſtration, but not as to the perſon of the Adminiſtrator.

I KNOW there are ſome who can ſee no difficulty here at all, but will ſay that in ſuch a caſe the public Form of Baptiſm ſhould be uſed without alteration, as upon a child manifeſtly and confeſſedly unbaptized. But,

where

where ſhall we find our authority for this practice? Not in the primitive Church; and, I am ſure, not in our own Church: For, though ſhe diſcourages and prevents Lay-Baptiſms as much as poſſible, yet ſhe no where pronounces them null and invalid. She inhibits all perſons not ordained from intermeddling with this office of God's Miniſters upon any pretence whatſoever; but, if they have actually preſumed to adminiſter the Ordinance *in its Eſſentials*, that is, according to her, *the Matter and the Words*, ſhe declines to order its repetition, and forbears to declare it null. For, this would be an arbitrary concluſion, againſt the ſenſe of antiquity, and the conſtant diſpenſation of the Catholic Church in ſuch caſes.

WHETHER any neceſſity will juſtify a Layman in uſurping this office is one queſtion; but, whether any guilt in the Adminiſtrator ſo offending ſhall invalidate the Ordinance ſo adminiſtered, is another queſtion: For, the unworthineſs of the means is not always a proper reaſon for the diſparagement of the effects. There is ſufficient ground for a diſtinction between preſumption in the agent and profanation in the act. With reſpect to the bold uſurper of an office not belonging to him, the thing is wrong; and, as ſuch, our Church condemns it. But, with regard to the innocent Recipient, it may be right notwithſtanding, *viz.* valid, though irregular.

regular. Therefore our Church forbears to give public judgement upon it; becauſe, as I apprehend, ſhe hath not ſufficient warrant, or ground, to pronounce ſentence againſt it. And therefore they, who ſay that the adminiſtration of the matter and form can have no grace, no benefit attending it, unleſs it be made by an authorized hand, would do well, whatever be their private opinion of the matter, to examine upon what grounds or authority they will proceed, *as Miniſters of this Eſtabliſhed Church*, to re-baptize, or, if this word offends, to uſe the public form with any perſon who hath already received the two forementioned Eſſentials of the Sacrament, though in an irregular way.

To return, then, to the queſtion: What muſt be done when the caſe above deſcribed ſhall happen? I anſwer, no doubt recourſe ſhould be had, as in all parallel caſes, (where the particular Rubrics are not expreſs and definitive,) to that general direction which is given in the laſt clauſe of *the Preface, concerning the ſervice of the Church*, at the beginning of our Liturgy; where it is ſaid, that *all points of doubt, ariſing from the want or from the obſcurity of the Rubrics, muſt be referred to the Biſhop; and, if he determine them not, to the Archbiſhop.* And, as this is the only regular and ſafe method that a Clergyman can take, ſo I am inclined to believe it was the real deſign of our Reviſors that this particular

particular point of Lay-baptiſm ſhould not receive any public reſolution in the office, much leſs be left to the private determination of the officiating Miniſter, but be ſubjected to the examination, judgement, and final deciſion, of the Ordinary of the Dioceſe.

MY reaſon, for inclining to this opinion, is founded on the following obſervations.

OUR firſt Reformers permitted Lay-baptiſms in caſes of extremity, retaining the Popiſh Cuſtom in this particular; but, in 1575, the Archbiſhop of *Canterbury* and his Biſhops, in Convocation, by virtue of the power given them to reſolve doubts *in the Preface concerning the ſervice of the Church*, (which I juſt now mentioned,) and with expreſs reference to that clauſe, reſtrained the adminiſtration of private Baptiſm to a *Lawful Miniſter* or *Deacon*; and the Biſhops in their Viſitations cenſured the practice of Laymen baptizing; though the Rubric ſtill ſtood with the former allowance, that they might baptize in caſes of neceſſity. But then, at the *Hampton-Court Conference*, the Rubric itſelf was altered, and the words *Lawful Miniſter* inſerted. And thus it ſtood till the Reviſal after the Reſtoration, when it was worded with ſtill greater reſtriction. But ſtill there was no declaration made of the nullity of Lay-Baptiſm; nor any directions given in the Rubric what ſhould be done as to children baptized by Lay-hands,

when

when brought to be received, otherwiſe than by a general reference (as I before ſaid) to the judgement of our Superiors in all caſes that are doubtful or unprovided for. And, in the *Lambeth Conference*, ſo late as 1712, this point was ſtill deſignedly kept in the ſame ſituation, and preſerved entire to the determination of the Ordinary. For, in that year, the diſpute about the validity of Lay-Baptiſm running pretty high, the two Archbiſhops, with all the Biſhops of their Provinces that were in town, came unanimouſly to this reſolution: *That Lay-Baptiſm ſhould be diſcouraged as much as poſſible: But, if the Eſſentials had been preſerved in a baptiſm by a Lay-hand, it was not to be repeated.* But then, when it was propoſed that a declaration of their ſentiments to this purpoſe ſhould be publiſhed, in order to ſilence or determine the debates raiſed upon this queſtion, it was reſolved,* upon mature deliberation, to leave the queſtion as much undecided, by any public declaration, as it was left in the public Offices and Canons of the Church; for the better ſecurity of diſcipline, and to prevent any advantages that might be taken by the Diſſenters, or ſeem to be given them, in favour of their baptiſms; though they do not properly come within the queſtion of Lay-baptiſms in caſes of extremity.

* THIS is taken from papers under the hands of both the Archbiſhops.

IF,

IF, therefore, the Fathers of our Church have appeared, from time to time, afraid to determine with any poſitiveneſs, or by any public deciſion, this controverted point; it would ill become any private Clergyman to make himſelf ſo far a Judge as to act herein, without expreſs allowance, either from the Rubric, or from his Ordinary explaining it. As we have a ſure rule to be our guide as to our own practice, we may very well leave the queſtion concerning the validity of theſe Baptiſms where we find it, in the boſom of our Church, reſolvible at diſcretion, as the ſeveral Ordinaries ſhall give direction within their reſpective juriſdictions: It being our part to apply to them, and take their advice, whenever ſuch irregular caſes ſhall come before us as private Parochial Miniſters.

AND herein we likewiſe ſee how we may conduct ourſelves with reſpect to the other point I was ſpeaking of before, *viz.* whether we are to uſe the hypothetical form with affuſion, or only with immerſion, according to the ſtrict letter of the Rubric. If we have any doubts about it, let our Ordinary determine them: And, ſo long as we act according to his deciſion of the caſe, on which ſide ſoever it is made, we both anſwer our own obligation to Rubric, and diſcharge ourſelves of blame from thoſe who would be apt to cenſure an attempt of dipping from

our own private judgement in the interpretation of the Rubric.

THERE is nothing more, in all this Office, that requires to be taken notice of, ſave that, at the end of it, there is a want of a direction, which we have in the former Office of public Baptiſm, to admoniſh the Sureties, *that they take care to bring the children to be confirmed by the Biſhop*.

To ſay how this comes to paſs is not eaſy. In all the old Prayer Books, before the Reſtoration, there was a Rubric in the firſt Office requiring the Miniſter to admoniſh the Sponſors to this effect, but leaving him to his own manner of expreſſing himſelf. Which Rubric was not repeated at the end of this Office, but was referred to by theſe words, *and ſo forth, as in public Baptiſm*. Which reference was as good as the repetition of the Rubric; for it made the direction equally clear. But now, at the Reviſal, what had been a Rubric at the end of the former Office was changed into a preſcribed form of admonition; and, what had been a reference at the end of this Office was quite omitted. By what means I know not. But it was not an overſight, at leaſt not in all the Reviſors; for, in Biſhop *Coſins*'s copy, where all the deſigned amendments ſtand added in the margin, there is a reference made, at the end of this Office, to the form of admonition then newly added to the former Office; which

reference

reference is thus expreſſed: *Then ſhall he add, and ſay, Furthermore I require you to take care*, &c. ut ſup. in Publ. Bapt.

WHAT I collect from hence is, that it ſeems moſt likely to have been the deſign of the Reviſors, that this Direction ſhould be given in the ſame words at the end of both the Offices, the reaſon of it being the ſame in both caſes. But, as this deſign is not expreſſed in our printed copies, it remains yet a queſtion, with any man who guides himſelf by the letter of Rubric, whether he ſhould, on mere preſumption of ſuch deſign, take upon him to add this ſupplement out of the former Office or not. Surely no Miniſter can be blamed for not doing what he is not commanded. But, my own reſolution of the doubt ſhould rather be this: Though the admonition is not made part of the authorized form in our printed books, and is not neceſſary for completing the Office; yet, as it is nevertheleſs a proper one, and the omiſſion of it, or of a direction about it, was probably accidental, and not deſigned, therefore to uſe it as an admonition from ourſelves, or at leaſt to give a direction to the ſame effect and purpoſe, as was done before the form of admonition was preſcribed. And thus we ſhall keep up to the ſuppoſed intention of the Church, without tranſgreſſing any written rule.

THERE is nothing in the Rubrics belonging to the third Office, for thoſe of riper years, but what is plain, and can need no comment. Only, as I have it in charge from my Lord Biſhop of *Durham* to acquaint my Clergy with what he expects from them, when they give him notice of any adults that are deſirous of being baptized, according to the firſt Rubric of the Office; I cannot diſcharge myſelf of his commands at a more proper opportunity. What moved his Lordſhip to give me this direction is not neceſſary now to be mentioned; but, the order is this: That, whenever any Miniſter notifies to him the deſire and requeſt of a grown Perſon to be baptized, he do, at the ſame time, ſpecify, not only his age, but his circumſtances and condition of life; as whether he be married or ſingle; at his own diſpoſal, or under parents and guardians; in what way he was educated and bred; what are his morals and character; and what knowledge he hath of the principles of Chriſtianity; and whatever elſe may be requiſite for forming a judgement whether any farther directions are to be given for the due preparation of him to receive this Sacrament, and what thoſe directions, if needful, ſhould be.

I NEED not add how proper it is that his Lordſhip ſhould be acquainted with theſe things, before he grants his orders for the preparation of Adults; and that he ſhould be

be ſatisfied in the execution of his orders, before he gives his conſent to their baptiſm.

AND I will as readily ſuppoſe, that there is not one of you but will, at any time, be glad to be put to this trouble on ſo good an occaſion, and to ſerve ſo good an end.

VISI-

VISITATION-CHARGE, *Anno* 1734.

DISCOURSE III.

Rubrics in the Communion-Office conſidered, and ſome Caſes put upon them.

Reverend Brethren,

MY diſcourſe to you the laſt year was wholly taken up in treating upon the Rubrics of the baptiſmal Offices; and in ſtating our obligations, as Miniſters of the eſtabliſhed Church, to conform ourſelves to them.

THOSE of the Communion-Service were to come next under conſideration. I ſhall therefore enter upon them now, without any farther introduction, ſuppoſing you to be already ſufficiently apprized, from what I have before ſaid, of the view in which I purpoſe to conſider them.

THE firſt Rubric that occurs at the head of the Office, concerning the notice to be given to the Curate of the names of ſuch as intend to receive the Lord's Supper, belongs to the people to obſerve; and does not fall within my preſent deſign, which hath regard only to the duties of the Clergy.

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THE next, which requires the Curate to repel from the Sacrament *all open and notorious evil livers, who have thereby given offence to the Congregation*, has no other difficulty in it than what ariſeth from the doubtful ſignification of the term *notorious*, and from the uncertainty there is in judging of all thoſe caſes, *when the Congregation may be ſaid to be offended.* For, *Notoriety in fact* is one thing, and *Notoriety in preſumption* is another: And, in either caſe, it ſhould be *a Notoriety in law* too, to indemnify the Miniſter for proceeding upon the Rubric, or to render him ſafe, in point of Law, for repelling any perſon from the Communion.

AND then, as to *the Congregation taking offence*, how to diſtinguiſh between what *doth offend* a Congregation, and what ought to give offence to it; whether we are to interpret it according to reaſon, or only according to fact, is another difficulty. Nay, whether this Rubric ought not to be extended to all crimes which are ſpecified in the Canons as diſqualifications for the Holy Communion, though they be not notorious or known to the Congregation, provided they be ſufficiently diſcovered or made known to the Miniſter himſelf, is another queſtion, which will bear much to be ſaid on either ſide of it.

THE trueſt way, to judge of the ſenſe of our Church in this Rubric, is to have recourſe

courſe to the 26th and 109th Canons, by which *ſuch notorious offenders as are to be ſhut out from Communion, as being ſcandals to the Congregation*, are ſufficiently deſcribed; and, might we venture to act upon that interpretation which it muſt be allowed theſe Canons fix upon the Rubric, our rule to proceed by would be much plainer than it is. But, to prevent our claiming any benefit or authority from theſe Canons, the Statute-Laws, which ſuperſede the Canons, interfere, and lay us under certain reſtrictions. By a Statute in the firſt year of *Edward* VI. it is enacted, *that the Miniſter ſhall not, without a lawful cauſe, deny the Sacrament to any perſon that devoutly and humbly deſires it.* But what is this lawful cauſe? Why, we are told that *the Law of* England *will not ſuffer the Miniſter to judge any man a notorious offender, but him who is ſo convinced by ſome legal ſentence.** And it ſeems, according to the ſenſe of the Civilians and Canoniſts, nothing amounts to *Notorium Juris*, or Notoriety in Law, leſs than a proof *by Confeſſion in open Court*, or *Conviction by a Sentence of the Judge.*

BY the Canons, all thoſe offenders, who ought to be preſented to the Ordinary, ought alſo to be ſhut out from the Communion till they be reformed; and they, whoſe duty

* Biſhop *Andrews*'s notes upon the Common-Prayer.

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it is to preſent them, neglecting ſo to do, are to be excluded likewiſe.* And both theſe acts of Diſcipline are intruſted with, and charged upon, the Miniſter alone. But, ſo far are the canonical diſqualifications for the Sacrament from being accounted, as ſuch, *Lawful Cauſes* of excluſion, according to the Statute, that even perſons lying under *ipſo facto Excommunications* by the Canons, may not legally be withheld from the Communion, till ſentence of Excommunication hath formally paſſed, and is openly declared, againſt them. And, though the 27th Canon, intitled *Schiſmatics not to be admitted to the Communion*, is expreſs for their excluſion; yet both the Common Lawyers and the Civilians have

* MR. *L'Eſtrange* ſeems to judge, (Alliance of Div. Off. p. 163.) that the Canons do not forbid the admiſſion of any offenders to the Communion, but only ſuch as are actually preſented to the Ordinary, and under proſecution, if not alſo under ſentence: and, conſequently, till they are preſented they are not to be withheld from the Sacrament.

BUT, whereas the Canons ſay no more than this, *that notorious offenders ſhall not be admitted to the Communion till they be reformed*, without any reference made, or reſpect had, to their preſentment or conviction, there is no reaſon to interpret them with any ſuch reſtrictions: Eſpecially as one of the offences for which the 26th Canon requires excluſion from the Communion (*viz.* the neglect of Church-wardens and Sidemen in preſenting notorious evil-livers) is not capable of being preſented otherwiſe than by the Miniſter; who is left to his diſcretion as to that point, though he is expreſsly ordered to repel them from the Communion. He is indeed bound *to ſignify the cauſe* of his repelling them, if required by his Ordinary to do ſo. But this is a farther proof of his power to repel before any complaint or preſentment of the delinquents is made.

given it as their opinion, that Schiſmatics, not lying under any Eccleſiaſtical Cenſure, and humbly and devoutly deſiring the Sacrament, are not to be withheld from it, notwithſtanding the direction of the Canon. *

AND, laſtly, the Teſt-Acts, which bring abundance of perſons to the Communion to qualify themſelves for Offices civil and military, make no allowances for their excluſion in any caſe whatſoever, nor have any proviſo to indemnify the Miniſter for proceeding according to Rubric in denying the Sacrament, let the Notoriety of the offence be never ſo unconteſted, and the cauſe of his refuſal in that reſpect never ſo juſt and legitimate.

THE caſe, then, ſtands thus with the officiating Miniſter. He is directed by one Statute (*viz.* the Rubric) in certain caſes to ſhut out from Communion. By another, (*viz.* the Teſt-Act,) he is required to admit to Communion; no particular caſes being expreſſly excepted, however ſuppoſed to be underſtood. But, the aſſigned caſes in the one being put in ſuch looſe and general terms, that it is doubtful what excluſions from the Sacrament are ſtrictly legal; and the directions in the other, for admitting to the Sacra-

* THIS matter was thoroughly conſidered in the caſe of Mr. *Richard Baxter*, the famous Non-Conformiſt, if he may be called ſo, who conſtantly attended the Church Service and Sacrament, in the pariſh where he lived, at thoſe times when he was not engaged at his own Meeting-houſe.

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ment ſuch as have offices depending upon it, however ſuppoſed to be limited by the aſſigned caſes aforeſaid, yet admitting of thoſe only upon the footing of a legal proof for which the Curate muſt anſwer at his peril; hence it follows, that he, who is intruſted with the execution of theſe Statutes, ſhould either have a fuller explanation of the one or a better ſecurity from the other.

I KNOW the anſwer commonly given to this, and urged as ſatisfactory by Mr. *Wheatley* in his book upon the Common-Prayer, is, that it would be a reflection upon the Legiſlature to ſuppoſe that it was ever deſigned, that, *if a Deiſt, or any profligate and abandoned ſinner, ſhould happen to obtain an office, the Church ſhould be obliged to admit them, under theſe characters, to Communion.* All this is very true. It ſeems to have been the intention of the Legiſlature, that no perſon, who is unqualified for the Sacrament, ſhould qualify for an office by venturing to receive it. But, this ſalve will not cover our ſore. For, granting it would be an injury to our Governors to ſay that they meant otherwiſe than right, yet there is no reflection caſt upon them by ſuppoſing what is likely to be the conſequence of theſe Statutes, when they come to be pleaded in the King's Courts againſt a Clergyman, without any proviſo made in his favour or for his ſecurity. Eſpecially when the terms in the

Rubric, upon which only he can form a legal defence, will bear ſuch latitude of interpretation, that it will not be an eaſy matter to determine when he is within, or not within, his rule.

THIS, then, being the caſe, (and I think I have brought together what is moſt material in the ſtating of it,) two queſtions remain to be reſolved. Firſt, how far we are bound to obſerve this Rubric; and, ſecondly, how far we are ſafe in acting according to it. To both which I ſhall give you the beſt anſwer I can.

IT is not any part of my deſign, in diſcourſing on the obedience due from us to the eccleſiaſtical Laws of this Realm, to enter into a diſcuſſion of the powers we have received at our Ordination, as Miniſters of Chriſt at large; or to conſider, upon this head, the Power of the Keys, of binding and looſing, of remitting and retaining ſins; that is, the ſpiritual authority we are intruſted with in the due adminiſtration of the Sacraments, which no human laws can deſtroy or deprive us of. There are caſes in which we are bound to deny the Sacraments, antecedently to any obligations we are under to human Conſtitutions; ſo that, whenſoever we are obliged, by virtue of our Office, and in regard of the ſacred truſt committed to us, as Stewards of the Myſteries of God, to refuſe the Communion, we muſt by no means be

be ſwayed by any ſecular motives, or intimidated by ſuſpicions of dangerous temporal conſequences, from doing what we ought and diſcharging our great Commiſſion faithfully. And, in this, every Clergyman muſt be his own Caſuiſt, and will beſt judge for himſelf in ſuch caſes as ſhall come before him.

BUT whereas we have moſt ſolemnly promiſed to *give our faithful diligence to adminiſter the Sacraments and Diſcipline of Chriſt*, not only *as the Lord hath commanded*, but *as this Realm hath received the ſame, according to the Commandments of God*; and whereas the exerciſe of our Miniſtry, even in theſe capital points, may be, and is, in ſome reſpects, limited by Eccleſiaſtical and Civil Authority, without diveſting us of the ſpiritual powers above-mentioned; and whereas our preſent queſtion is not whether any ſuch limitations be lawful and admiſſible, (for, of this there is no doubt,) but, how far ſuch limitation goes in the caſe under conſideration; therefore our obedience to this Rubric is to be examined into as a point purely of Eccleſiaſtical Diſcipline, and which affects us not as Paſtors of the Church Catholic, but as appointed Officers in this eſtabliſhed Church to which we belong. And it is in this view I am to ſpeak of this Rubric, conſidering it as explained by the Canons of the Church, and limited by the Statutes of the Realm.

AND

AND here, what deſerves the principal notice, and ought to have great weight with us, though probably it would have little if pleaded in the Courts of Law, is the peculiar obligation we have laid ourſelves under, by voluntary and repeated ſtipulations, to obſerve the Rubric, and conform to the Liturgy of the Church of *England*. And this can in no inſtances be more juſtly expected from us than in the adminiſtration of the Sacraments and the Diſcipline of the Church. No Laws have as yet diſcharged us from following this Rubric, now in queſtion, in its moſt obvious and natural ſenſe; nor can any authority be ſhewn for our diſpenſation in not obſerving it. If ſome words in it are too general, or of uncertain ſignification, ſtill there is nothing in the other Statutes that is *more* clear and explicit, or that will ſerve for a better rule for us to govern ourſelves by: And withal let it be obſerved, that what ſeems doubtful in the Rubric is made much plainer in the Canons, which are yet the beſt interpreters of it, and to which we of the Clergy are bound to conform ourſelves, as well as to Rubric; though our obligation to them ſtands upon a different footing. Upon the whole, though this Rubric may *require ſome explanation*, as Biſhop *Coſins* remarks, *for the avoiding of diſputes and doubts between the Communicants and Curates*, &c. yet, if it be taken in all its parts,

parts, *viz.* that no perſon, however *notoriouſly wicked*, ſhall be withheld from the Communion till he be admoniſhed to withdraw himſelf; and that, when he is repelled upon his obſtinacy, it is only till ſuch time as the advice of the Ordinary can be had therein, to whom the Curate is obliged to give early notice of ſuch his act; it ſeems in this view the beſt, and I think the only, Eccleſiaſtical Rule we have to go by in ſuch caſes: Nor doth it appear liable to exceptions, unleſs it be in that other particular I was to ſpeak to, *viz. How far we are ſafe in acting according to it.*

BUT, as this is properly a point of Law, it is not ſo fit for me to undertake any determination of it: It muſt be left to the Gentlemen of that profeſſion. Only thus much I would put in, that, if a Clergymans conduct in this matter ſhall appear to be upright, diſpaſſionate, and diſintereſted, (and I wiſh it may never appear otherwiſe,) ſo as to gain the approbation of reaſonable and indifferent perſons, (which I ſtill think it would gain in all *notorious* or flagrant caſes, which are thoſe mentioned in the Rubric,) it is to be hoped and preſumed, that the interpreters of the Law would, in their turn, too, ſhew him all the favour and regard they could.

IN the *next Rubric*, (for ſo I call the *next paragraph* for diſtinction ſake, as moſt of the Liturgic Writers do, though properly all the

the four paragraphs at the head of this Office make but one Rubric) the Miniſter ſeems to have power given him to deny the Sacrament upon his own perſonal knowledge of the party's unfitneſs to receive it. There is only one inſtance, indeed, of this unfitneſs there mentioned, *viz.* in caſes where *he perceiveth malice and hatred to reign*; in which caſes, *he is to uſe the ſame order as before*, of admoniſhing, and, upon obſtinacy, of excluding from the Communion: And this, too, without regard to the notoriety of the malice, or the offence given thereby to the Congregation. And, by parity of reaſon, what he is allowed to do, upon his own knowledge, in one caſe, he may be preſumed to have the liberty of doing in any other that is parallel, that is, where he himſelf is equally convinced that he has a juſt and ſufficient cauſe, according to the Canons, to refuſe the Sacrament, though, at the ſame time, he cannot produce any legal teſtimony of the crime for which he debars the party from communicating.

HENCE, then, ariſes another queſtion, different from the former: *viz.* Whether a Miniſter ought at any time, by denying the Sacrament, to paſs a public and open cenſure upon ſecret crimes, to which none are privy but the parties and himſelf, and that perhaps by accident, as may be, and ſometimes hath been, declared to be the caſe?

To

To this it hath been ſaid, and I think juſtly, that every Miniſter, in the public execution of his Office, repreſents the Church, and is therefore to exclude none from the Sacraments but ſuch only as by the laws of the Church he is *expreſſly* required to exclude. That, when he is ſecretly, and in his private capacity, apprized of any juſt impediment in any perſon, though he ought moſt ſolemnly to admoniſh him to refrain, nay, and ought to withhold from him a private Communion, (becauſe, in that caſe, he is allowed himſelf to judge of any juſt impediment,) yet, when he celebrates in public, he is bound to admit ſuch offending perſon, offering himſelf, at his own peril; foraſmuch as the Church is yet ignorant of any crime, or default, for which, according to her rules, the Communion is to be withheld. That he doth by his previous admonition *liberare animam ſuam*; and, if the delinquent will ſtill venture to obtrude himſelf, after ſuch warning given, his blood will be upon his own head; that is, he only, like other hypocrites who receive unworthily, will be condemned for his preſumption; while the Miniſter ſhall be held guiltleſs, having done all that was incumbent upon him, and indeed all that he could warrant, to prevent ſuch profanation of the holy Myſteries. And this is agreeable to the old Canon-Law, which did not give Miniſters a diſcretionary power of repelling in

ſuch caſes. *Etiam criminoſus*, &c. *Even a great offender, offering himſelf to partake of the Sacrament, is not to be rejected, but taken aſide, and ſeriouſly exhorted to forbear:* * Which the Canoniſts, the later ones eſpecially, interpret of ſecret and occult crimes, known to the Miniſter, but not *notorious*, or *matter of public ſcandal.* †

To countenance this way of reaſoning, the inſtance of *Judas* is brought, whom our Saviour ſuffered to partake of the firſt Supper and Communion with his other diſciples; though, at the ſame time, our Lord himſelf, who adminiſtered, knew the traitor to be abſolutely unworthy ſo ſacred and divine an inſtitution.

WHICH inſtance, indeed, would be much to the purpoſe, were it not liable to two exceptions. The firſt is, that it is not a certain and acknowledged truth ‡ that *Judas* did partake of the *Sacrament* of the Lord's laſt Supper. And, though the Compilers of our Liturgy ſeem to have taken this for granted, as appears by ſome expreſſions in one of the exhortations in the Communion-Office, where it is ſaid, *leſt, after taking of that holy Sacrament, the Devil enter into you, as he entered into* Judas, *&c.* and, conſequently, by our aſſent and conſent to the

* EXTR. de Off. Ord. cap. Si Sacerd.
† LINW. Prov. de Sacr. Unct.
‡ SEE *L'Eſtrange* on one ſide, and Dr. *Bennet* on the other.

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Common-Prayer Book, we ſeem to have admitted this for an undoubted fact; yet the expreſſion doth not *neceſſarily* require ſuch conſtruction to be put upon it, but may be grammatically underſtood without that ſuppoſition.

THE other exception againſt this inſtance of *Judas* is, that, granting he did partake with the other Diſciples at the inſtitution of the Sacrament, yet it doth not follow, by any neceſſary conſequence, that our Lord's admiſſion of him is any warrant for his Miniſters to admit hypocrites to the Euchariſt. He ſuffers the wicked even now to approach his Altar, when no Power in the Church can reſtrain them. But we cannot from thence argue, that the Paſtors of his Church may therefore permit them ſo to do, ſuppoſing them privy to their guilt, and well aſcertained of their unworthineſs, however ſecretly or accidentally they might come by that knowledge.

BUT although, for theſe reaſons, I think no ſtreſs ſhould be laid on this inſtance of *Judas*, yet, if any Clergyman can ſatisfy his own mind in acting upon this diſtinction, and can perſuade himſelf that he may lawfully do, in his public capacity, what he would not do if he thought himſelf at liberty to follow his private judgement; and that to adminiſter the Sacrament to a perſon whom he believes unworthy of it, after ſufficient

admonition to deter him from it, is no wilful proſtitution or profanation of it in himſelf; I ſay, if he is thus perſuaded, I do not ſee that there is any thing expreſs enough in this Rubric to oblige him to refuſe it in ſuch a caſe. Malice and hatred are the only offences which the order directly points to; and thoſe too ſuch as *reign*, are predominant and implacable, which it is ſtrange if they be not likewiſe notorious and offenſive to the congregation as well as to the Miniſter. And, the true reaſon, why the Compilers of the Rubric did not give any expreſs allowance to the Clergy to exclude from the Communion for occult crimes, at their own diſcretion, might be for fear of an abuſe that ſuch liberty would be liable to in the hands of weak men, capable of being ſwayed by their private paſſions and reſentments in the adminiſtration of the moſt ſolemn ordinances.

BUT, it doth not follow that they are *therefore bound in all caſes* to adminiſter it, ſaving thoſe in which they are prohibited expreſſly. No doubt there is an uſe of their diſcretion left them, and ſome caſes may ariſe ſo circumſtantiated, that it will go directly againſt a Clergymans conſcience to adminiſter the Sacrament; in which caſes, as I before obſerved, he lies under an obligation to diſcharge his duty ſuperior to that which he owes to Rubric or Acts of Parliament; and, though he cannot perhaps diſcharge it with

with ſafety if the Statutes be interpreted rigorouſly, yet it is better to fall into the hands of men, and patiently ſuffer temporal inconveniences, than fall, with a ſin of Preſumption, into the hands of God.

THE concluſion here, then, is the ſame as in the former point, *viz.* that every Miniſter muſt be his own judge and guide in extraordinary Occurrences, which come not within the letter, or ſuppoſed meaning, of the rules that are ſet him by authority for his direction. Only it will greatly concern him to act with the utmoſt care, fidelity, and circumſpection, that he do not either deprive any perſons of the privilege of Chriſtian Communion, or ſet upon them ſuch a public mark of infamy and diſgrace as a repulſe from the Sacrament is commonly held to be, without a real neceſſity to juſtify his conduct herein.

AND ſo I paſs on to the fourth and laſt Rubric that is placed at the head of the Communion-Service, where there is only one particular incumbent upon the Miniſter himſelf to obſerve and for me to take notice of at preſent; and that is, that *he ſhall ſtand at the north ſide of the Table* when he performs the Office; which is to be underſtood even of that part of it, which, by another Rubric,* is appointed *to be ſaid when there is no Communion.*

* FIRST Rubric at the end of this Office.

AND

AND here again is a caſe that will admit of exceptions from unforeſeen circumſtances: For, ſince the cuſtomary placing of Altars in Chancels, it becomes ſometimes impoſſible, in large Churches, and where the Chancels are almoſt equal in length to the Churches themſelves, to perform that part of the Communion-Service, which is to be read always on Sundays and Holidays, at the Lord's Table, without quite defeating the intention of its being read at all, *viz. that it ſhould be heard of all the people.* But then, pray let us obſerve farther, that, where this neceſſity for breaking through the Rubric cannot be pleaded by us; that is, where this ſervice *may be conveniently enough performed at the Table itſelf*, ſituated in the Chancel; there will be no excuſe for us for reading it in the deſk, as is but too commonly practiſed in our Churches, contrary to the letter and plain meaning of the Rubric.

A CERTAIN author, indeed, of ſome note, in his Paraphraſe on the Common-Prayer Book, argues upon this point after this manner: *If it be aſked*, ſays he, *whether thoſe parts of the Communion-Office, which are allowed to be read when there is no Communion, may be read without going to the Communion-Table; I anſwer, they certainly may. And for this I need offer no other reaſon beſides its being an allowed practice, which our governors do never blame or endeavour to alter. There are,* ſays

ſays he, *ſome expreſſions in the Rubric, I confeſs, which intimate the contrary; but, certainly, an allowed cuſtom is ſufficient to ſatisfy any man's conſcience in this caſe.* *

BUT this learned writer ſeems here a little too haſty in his concluſion; and the reaſon he offers for it appears to be founded on a miſtake. For, a cuſtom under the connivance of our governors, how juſtifiable a rule ſoever it may be to us in all caſes where thoſe governors have a power of diſpenſing, yet is of no authority or conſideration in ſuch matters as our governors themſelves are not at liberty to allow of or diſpenſe with. This is a diſtinction very neceſſary to be obſerved by thoſe who make uſe of this argument from cuſtom, and will ſhew where it is properly applicable, and of weight, and where it is not. In the former part of this very Rubric, for inſtance, concerning the ſituation of the Lord's Table, the Rubric directs, that it *ſhall ſtand in the Body of the Church, or in the Chancel where Morning and Evening Prayer are appointed to be ſaid.* But this appointment, by another Rubric † before the Morning and Evening Prayer, is left to the diſcretion of the Ordinary. And, till ſuch appointment be made,

* DR. *Bennet*'s Paraphraſe.

† *The Morning and Evening Prayer ſhall be uſed in the accuſtomed place of the Church or Chancel, except it ſhall be otherwiſe determined by the Ordinary of the Place.*

the

the ancient cuſtom of each church is to be followed. For, ſuch cuſtom implies the approbation of thoſe who have a power to alter it if they think fit to do ſo. Of cuſtoms thus eſtabliſhed, and juſtly prevailing for this reaſon, we have ſeveral other Inſtances.

BUT, what relation have theſe caſes to thoſe Rubrics which expreſſly and poſitively require the Miniſter to obſerve this or that particular in his Miniſtration, and preſcribe him a perſonal action to be performed in a determined place, as in this inſtance before us, of *ſtanding at the North Side of the Table* when he performs any part of the Communion-Service? Where this Rubric *cannot* be obſerved, as I before ſaid, an abſolute neceſſity muſt over-rule the order; but, no preſcription of Non obſervance or cuſtomary neglect can avail to the ſetting it aſide. It is true, the Ordinary may connive at this cuſtomary neglect, but he cannot warrant, nor even excuſe, the Miniſter in it, becauſe he is bound, by prior Obligations of Conformity, to obey the Church in what ſhe commands in her Rubrics. And, in all points where the Rubrics are plain and expreſs,* the Ordinary has

* It may be ſaid, that this very Rubric, now under examination, is as plain and expreſs, that *the Communion-Table ſhall ſtand, at the Communion-time, in that part of the Church where Morning and Evening Prayer are appointed to be ſaid,* as it is that *the Prieſt ſhall ſtand at the North Side of the Table.* True;

has no authority to releaſe us from that obedience, as appears from the *Preface, concerning the Service of the Church*, at the beginning of the Prayer-Book. In which though the Ordinary is allowed to interpret and determine the ſenſe of the Rubric for us in all doubtful caſes, yet it is with this proviſo, that he ſhall not order or determine any thing *that is contrary to what is contained in the Service-Book*. That is, in points that are clearly expreſſed, the Ordinary is as much prohibited from making innovations as the meaneſt Parochial Miniſter among us. And therefore a Biſhop's diſpenſing power will not reach theſe caſes; and, conſequently, a cuſtom, which has no validity but as it implies a diſpenſation, cannot reach them neither.

True; but with this difference, that in one caſe the direction is to the Prieſt, in the other he is not charged with the execution of the Injunction; and therefore it concerns not him in particular, but rather appertains to the Ordinary to take care of. And, whoſoever conſiders the unhappy diſputes and contentions, that have ariſen, in this Church, concerning the diſpoſal or ſituation of *the Lord's Table in the Church* or *Chancel*, which laſted from the Reign of *Edward* VI. down to the great Rebellion, will think our governors highly prudent in forbearing to give any orders, of late years, touching that point. The diſpute is now dead, and it is to be hoped will never be revived.

Should it be inſinuated, that this Rubric, by expreſsly directing what ſhould be done *in Communion time*, may mean that the Prieſt ſhould *then only* ſtand at the North ſide of the Table; the anſwer is, that there he is ordered *to ſtand* whenſoever he begins the Office; and there he is commanded *to ſay the Lord's Prayer, with the Collect following*, &c.

THE Author above-cited, indeed, endeavours to back his argument from cuſtom with this farther Obſervation: That, *if uſage be not allowed to be a good interpretation of Rubrics, it will be impoſſible to clear our hands of many other repugnances and difficulties to be met with. Let the Objectors,* ſays he, *conſider, to name no other inſtances, how they can juſtify their tacking together the Morning-Prayer and the Litany, (which were intended and uſed as diſtinct Offices in former times,) and thereby repeating the Prayer of St.* Chryſoſtom *and the text out of the* Corinthians *but once, whereas they are poſitively ordered to be repeated twice.**

BUT, where they are thus ordered to be repeated is the Queſtion. There are only two Rubrics from which ſuch a direction could be ſurmized. The firſt is the Rubric before the Collects and immediately after the Suffrages; where it is ſaid, that *the two laſt Collects ſhall never alter, but daily be ſaid at Morning-Prayer throughout all the Year.* But, whoſoever examines this Rubric will find that theſe Collects, which are here called *the two laſt,* are not the two final prayers, but are only called *the laſt* with reſpect to the Collect of the day, which is always to precede them. The other Rubric is placed juſt before the Prayer for the King in the Morning-Service, in theſe words: *Then theſe five*

* Dr. *Bennet*'s Paraphraſe.

prayers

prayers following are to be read here, except when the Litany is read; and then only the two laſt are to be read, as they are there placed. Which words, in the end of the Rubric, make it evident that the Litany and Morning Prayer are to be joined together as one Service, and that the two final prayers are to be read but once.

IF his miſtake aroſe from not attending ſufficiently to theſe two Rubrics, it is already corrected. But, if he grounded his aſſertion on any other paſſage, I cannot gueſs what place it may be.

AND, as to his other ſuppoſed inſtances of repugnancy, *&c.* I dare be as poſitive as one can be in a negative, that there are no inſtances to be given, in the whole Common-Prayer Book, where cuſtom muſt be allowed to be a good interpretation of Rubric, except in thoſe caſes which I juſt now mentioned, where the Ordinary hath a diſpenſing power lodged with him. And, if there be any other repugnances to Rubric in our practice, beſides this under debate, which will not admit of a plea from Cuſtom upon the foot of this diſtinction, we muſt find ſome other way of clearing our hands of them, than by uſing this argument. And, the only way, that I know of, to juſtify our conduct in all points that are plain and expreſs, is to obſerve them punctually and literally.

AND now, having gone my uſual length in a charge, and diſpatched the previous Rubrics in this Office for the Communion, I muſt leave what remains to the next opportunity that God ſhall be pleaſed to give us of meeting together on this occaſion.

VISI-

VISITATION-CHARGE, *Anno* 1735.

DISCOURSE IV.

Other Rubrics in the Liturgy examined.

Reverend Brethren,

MY Diſcourſes to you, at my late Viſitations, have been entirely taken up with remarks upon the Rubrics: In which I have yet gone no farther than thoſe that belong to the Offices of Baptiſm, and thoſe that are placed at the head of the Office for Communion. And, finding how tedious and almoſt endleſs it would be to go through all the remainder of the Communion-Office, and all the other Offices of our Church, with the like particularity, I ſhall now take another and ſhorter way, yet ſuch as perhaps you will think ſufficiently clear and ſatisfactory; and that is, to throw all the Rubrics into different claſſes, under proper heads of diſtinction, with ſuitable remarks upon each claſs; and ſo to leave the ſolution of particular difficulties to be taken from the reaſonings upon the ſeveral general diſtinctions.

IT is no part of my deſign, as I think I told you before, to give any hiſtorical account

count of Rubrics, or enter into the reaſons of them, or ſhew their alliance with thoſe of other Liturgies, or their Conformity with the Rules of the Primitive Church. This hath been done by the learned Ritualiſts and Commentators on the Common-Prayer Book. But, my whole view terminates in this one point, *viz.* To ſhew how far we are bound, in Duty and Conſcience, (after the Declarations and Subſcriptions we have made,) to conform ourſelves to the letter or intention of the ſeveral Rubrics, which are given for our direction in the Adminiſtration of the Sacraments, and other Services of the Church; which is a point that hath been either entirely paſſed over, or at leaſt but ſlightly and occaſionally touched upon by the Writers on the *Engliſh* Liturgy.

Now the Rubrics which relate to our Miniſtration may be properly ranged under five general heads. And we ſhall find the meaſures of our Conformity to them will fall under as many different Conſiderations.

THE firſt diviſion of them contains ſuch as are defective, or not ſufficiently clear and expreſs.

THE ſecond, ſuch as do either require to be underſtood with limitations, or at leaſt will fairly admit of them.

THE third, ſuch as leave a diſcretionary power with the officiating Miniſter.

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THE fourth, ſuch as leave a diſcretionary power only with the Ordinary.

THE fifth and laſt, ſuch as are plain and poſitive, neither admitting limitations, nor ſubmitting to the diſcretion either of the officiating Miniſter or his Ordinary: Of which laſt ſort are much the greateſt Number.

BOTH the meaning and propriety of this diſtinction will beſt appear by giving inſtances of ſeveral Rubrics, which do either require, or will bear, theſe reſpective Conſtructions.

THE firſt Claſs of diſtinction compriſes all thoſe Rubrics which are defective in point of direction; not ſufficiently explicit or plain, but ſo worded as to leave doubts, and to ſeem inconſiſtent with, or contradictory to, more expreſs Rubrics; ſo that the mind or intention of our governors therein is not apparently diſcerned.

YOU know, for inſtance, to what uncertainties we are left in the uſe of the Table for proper Leſſons, and in the appointment of Epiſtles and Goſpels when Sundays and Holidays coincide. The conſequence is, that the Clergy differ in their practice, and uſe the Service appropriate to that Feſtival to which, in their private opinion, they give the preference. Some there are who chuſe to intermix them, uſing the Collects appointed to each, and preferring the firſt Leſſon that is taken out of a canonical Book, if the other

other firſt Leſſon happens to be appointed in the Apocrypha.

AGAIN, it is uncertain, as the directions now ſtand, whether the Collect, for a Holiday that hath a Vigil, (ſuppoſing the Lord's day to intervene between the Vigil and the Feſtival,) ſhall be read *on the Eve* on which the Vigil is ordered to be obſerved, or *in the Evening immediately before* the Feſtival, according to another Rubric. They, whoſe rule it is to act cloſely up to the Letter of Rubric, muſt ſeparate the Collect from the Vigil. But they, who plead the ſuppoſed intention and reaſon of both the Rubrics, think they may diſpenſe with the letter of that Rubric which orders the Collect to be read on the Evening before the Holiday, and uſe the Collect on the Vigil, in compliance with the ſuppoſed deſign of the other Rubric. In either caſe conformity to Rubric is aimed at, though diverſity of practice neceſſarily prevents Uniformity.

THE Rubrics are deficient, likewiſe, in their direction, whether, before *the general Interceſſion*, or the *general Thankſgiving*, in the Daily Service, the names of thoſe perſons, who *deſire the Prayers of the Congregation*, or *deſire to return thanks*, ſhall be publicly recited or not. Some ſuppoſe, both from the reaſon of the thing, and from the wording of the interpolations to be uſed on thoſe occaſions, that it is implied, the names of the perſons,

perſons, on whoſe account the additions are to be inſerted in the Prayers, ſhould be particularly recited, and notified to the Congregation. But others, who ſuppoſe this will fall under the notion of *Publications in time of Divine Service*, which, by another Rubric, is limited to the injunctions of the Ordinary, will for that reaſon be of another opinion.

IT is ſaid, of the *Venite exultemus*, the *Hymns* for Eaſter-day, *Gloria in Excelſis*, the *whole Pſalter*, and *Gloria Patri*, that they ſhall be ſaid or ſung. But, it is not ſaid whether this ſhall be done by the Prieſt or the People; or, if by both, whether jointly or *alternatim*. Cuſtom therefore is our only authority for thoſe various ways, in which we perform theſe parts of the Office in Choirs and Pariſh-Churches.

ANOTHER doubt there is concerning the proper time for giving *public warning of the Communion*. One Rubric ſays, this notice ſhall be given *immediately after the* Nicene *Creed*. Another ſays, that, *when this warning is given, one of the Exhortations ſhall be read*, to remind the people of their duty of communicating. But this is ordered to be done *immediately after Sermon*. Mr. *Wheatley* indeed proves this to have been only *a miſtake* in miſplacing the directions: Nevertheleſs he propoſes that both Rubrics ſhould be complied with; that is, that the Warning

ſhould be given immediately after the *Nicene* Creed, and the Exhortation read immediately after Sermon. Whereby he ſhews how both Rubrics may be obſerved. But, nevertheleſs, this is only a conformity *to a miſtake*; and for that reaſon, I ſuppoſe, not much attended to or regarded by the Clergy.

OTHER inſtances we have of deficient Rubrics relating to our own poſture or action in divine ſervice. It is not ſaid whether the Miniſter ſhall kneel or ſtand at the prayers previous to the adminiſtration of baptiſm in the two firſt Offices. In that for Adults, indeed, the Rubric is rather more clear for his ſtanding, it being ſaid, before the two firſt prayers in the Office, *And here all the Congregation ſhall kneel:* Whereby the Miniſter ſeems to be excepted. But nothing certain can be gathered as to the two former Offices, which occaſion the Clergy to practiſe differently in this circumſtance.

LIKEWISE, in the Communion-Office, the Miniſter is ordered firſt of all to receive the Communion in both kinds himſelf, before he adminiſters it to the people. But how, or in what form of words, he ſhall take it himſelf, is not ſaid; which is apt to produce ſome variety of expreſſion on ſuch occaſions. Biſhop *Coſins* indeed had drawn up a form, which all the Clergy were to follow when they received the Communion themſelves;

ſelves; but it was not put in at the laſt Reviſal.

To theſe inſtances more might be added from the Rubrics at the head of the offices of public and private Baptiſm: Upon all which I obſerve in general, that, where the Rubrics are defective, or capable of two ſenſes, or of doubtful interpretation, there is no ſtating a Miniſter's obligation to obſerve them: Nor is uniformity in practice to be expected; becauſe, every Miniſter muſt be allowed a liberty of judgement, and conſequently of practice, in caſes not ſufficiently clear, or capable of various conſtructions, ſo as he make no breach upon thoſe Rubrics that are plain and expreſs. In ſeveral of thoſe points, that I have mentioned above, the Clergy take different ways; and they may ſafely and honeſtly do ſo, for, there is no room to ſay that any of them do wrong, ſince there is not evidence enough which of thoſe ways are right. Something may be perhaps pleaded for them all. But then, whatſoever is pleaded, as it is only upon the foot of private ſentiments, we remain ſtill at liberty to follow our own judgement and diſcretion in thoſe points, till they, who have authority, do ſettle a rule for us concerning them. And if, in the mean time, any of us have real ſcruples upon theſe points, our proper recourſe is to the Ordinary of the Diocеſe for ſatisfaction; becauſe his determi-

nation in all doubtful caſes * is authoritative, ſafe, and legal; and is granted us as a ſupply for all the deficiencies we meet with in the letter of the Rubric.

I PROCEED, then, to the ſecond Claſs into which Rubrics were diſtinguiſhed. And that is, of ſuch as either require to be underſtood with limitations, or will at leaſt fairly admit of them.

OF the firſt ſort (among thoſe which relate to ourſelves) we have an inſtance *in the Order for Morning and Evening Prayer*, where it is ſaid, *that ſuch Ornaments of the Church, and of the Miniſters thereof at all times of their Miniſtration, ſhall be retained and be in uſe, as were in this Church of* England, *by the authority of Parliament, in the ſecond year of the Reign of King* Edward VI.

THERE was one ſentence, at the end of this Rubric, left out at the Reſtoration, which would have explained it more fully. The words were theſe: *According to the Act of Parliament ſet in the beginning of the Book.*

AND theſe words will lead us to the proper limitations of this Rubric. For, if we look into the firſt Act of Uniformity, by Queen *Elizabeth*, we ſhall find the words of this Rubric taken *verbatim* from that Act, and to be only a part of a clauſe whereby the Queen expreſſly reſerved to herſelf a

* Laſt clauſe in the preface concerning the ſervice of the Church.

power of *ordering both the ornaments of the Church and of the Miniſters thereof* otherwiſe hereafter; which power ſhe did afterwards actually make uſe of, though not perhaps juſt in the method preſcribed in that Act, yet ſo effectually, that our habits *at the times of our Miniſtration* ſtand regulated by her injunctions to this day.

Now, putting theſe things together, that the Rubric hath an immediate reference to the Act; and that the Act is made with an expreſs reſervation to the Queen's future appointments; and that the Queen, purſuant to this power given her, did, in the year 1564, publiſh her *Advertiſements* (as they are called) *concerning the habit of Miniſters, to be worn by them in time of Divine Service*; it will appear, that her injunctions thus ſet forth are authentic limitations of this Rubric.

IT is true, ſome diſputes have been made concerning this power given her, whether it was only during her life, (as her powers, in ſome other ſtatutes of the ſame year, are expreſſly limited,) or derivable upon her ſucceſſors, and annexed to the Crown. But this makes little difference in our preſent queſtion. Her injunctions have the ſanction of that Parliament which granted her the ſaid power, and the ſanction too of the Act of Uniformity after the Reſtoration, which, by this Rubric now under conſideration, refers, according to the explanation now given

given of it, to her injunctions. But if, by the Act of Uniformity in the firſt year of her reign, there is a reſervation of the ſaid power to the Crown, and it is derivable upon her Succeſſors, then it will follow, farther, that, although ſuch injunctions had not been ſet forth by her, yet we ſhould have been ſecured in the preſent allowed uſages concerning Habits and Ornaments; becauſe it is a rule, that, wherever a diſcretionary power is left with our governors, a conſtant practice permitted, and for that reaſon ſuppoſed to be approved by them, is equivalent, by interpretation, to their command: of which more hereafter.

ANOTHER Rubric, requiring to be underſtood with a limitation, is the firſt Rubric in the Form of Matrimony, by which the Miniſter is enjoined not to *celebrate the Matrimony unleſs the Banns have been three ſeveral times publiſhed on Sundays or Holidays.* But yet, by other Laws in force, the Miniſter is permitted to marry without publiſhing the Banns or having any certificate of their being thrice aſked; wherefore Biſhop *Coſins* thought it would be requiſite to add this exception to the Rubric, *viz. Unleſs there be a diſpenſation or licence granted by the Biſhop in ſome ſpecial or urgent cauſe.* But, till ſuch exception ſhall be added, the Rubric muſt be underſtood to be limited by this proviſo.

AND

AND, as theſe Rubrics require to be underſtood with certain limitations or exceptions, ſo there are others that will at leaſt fairly admit of them. As, for inſtance,

THERE is a Rubric which ſays, that *the Curate of every Pariſh ſhall diligently, upon Sundays and Holidays, after the ſecond Leſſon at Evening-Prayer, openly catechize the children.* But, as ſome of the ſtricteſt men in Rubrical Matters have juſtly obſerved,* no obligation can be urged from hence that Miniſters ſhould catechize *on all Sundays and Holidays*; but, that if they do it as often as occaſions of their Pariſhes require, and do it on ſuch days and at ſuch times as are here ſpecified, and *ſhew their diligence* herein, ſo far as their diligence is neceſſary, in this reſpect, to the faithful diſcharge of their duty in the place where they officiate, that then they both fulfil the intention and the letter of the Rubric. And the like reaſoning will hold in all the like caſes. Some Rubrics will bear to be taken in a limited ſenſe, where the limitation is made by the reaſon of the thing, and is neither a forced conſtruction, nor reſolvible into mere cuſtom or convenience.

THE third Claſs of Rubrics, in our preſent diviſion, conſiſts of ſuch as leave a diſcretionary power with the Miniſter. As, in the

* Additional notes on the Catechiſm, printed at the end of Dr. *Nichols*'s Commentary.

choice

choice of Hymns in the Daily Service; and of the occaſional Prayers and Thankſgivings to be ſaid after the ſtated ones; in ſupplying the Sundays after Trinity, when their number exceeds the proviſions there made for them, out of the ſupernumerary Collects, Epiſtles, and Goſpels, after the Epiphany: In the choice of ſentences before Morning and Evening Prayer, and at the Offertory; and of Exhortations and Collects in the Communion-Office: In the uſage or omiſſion of a Prayer *in the Office of Matrimony*, and of a Pſalm in the *Burial-Office:* In the *appointment of the time* for chriſtening, and other the like Rubrics, eſpecially in the *Office for viſiting the Sick*, where a great deal is left wholly to his diſcretion.*

Now

* Some of the Rubrics indeed in this Office of Viſitation might be as well ranged in the laſt Claſs as in this; for, they are to be underſtood with limitation, as well as executed by diſcretion. Such, for inſtance, as the direction given to the Miniſter, *to admoniſh ſick perſons to make their Wills*, and *to move them earneſtly, if they are of ability, to be liberal to the poor.*

Theſe two Rubrics, though diſtinct, have a cloſe connexion with each other, and alſo a reference to the 84th Canon of 1603, which ought to be conſulted for the better underſtanding them. It is intitled *A Cheſt for Alms in every Church.* And therein *the Parſon, Vicar, or Curate*, is required *diligently, from time to time, and ſpecially when men make their Teſtaments, to call upon, exhort, and move, their neighbours, to confer and give, as they may well ſpare, to the ſaid Cheſt; declaring unto them, that, whereas heretofore they have been diligent to beſtow much ſubſtance, otherwiſe than God commanded,*

upon

Now what we have to do, in all theſe caſes, is only to be conſiderate in the uſe of

 this

upon ſuperſtitious uſes, now they ought, at this time, to be much more ready to give to the poor, &c.

And, in order to underſtand what is meant, in this Canon, by the gifts to ſuperſtitious uſes, we muſt look yet farther back, to K. *Edward* VIth's injunctions of 1547, from whence we ſhall find this whole clauſe taken *verbatim*, ſave only that, inſtead of *ſuperſtitious uſes*, we there read *Pardons, Pilgrimages, Trentalles, Decking of Images, Offering of Candles, giving to Friers, and other-like blind devotions.*

Now the ground of this injunction, eſpecially as it relates to Teſtaments, was this: *viz.* Formerly, by the Canon-Law, every one was bound to bequeath a part of his eſtate to religious uſes, and in ſome ſuch proportion, too, as he left to his children; ſo that, if he had three children, for inſtance, Chriſt was to be reputed a fourth, or be made an equal ſharer with the other three in the inheritance; if he had but one ſon, Chriſt was to be eſteemed as a ſecond ſon; and ſo on. *(Decret. Par. 2. Cauſ. 13. Qu. 2.)* And, what was ſo bequeathed to the Church was uſually depoſited in the Biſhop's hands, and went partly to the ſupport of the fabric of the church, and partly to the maintenance of the Miniſter thereof. It is not to be doubted that the Popiſh Curates made the beſt advantages of this Law, and would not be remiſs in admoniſhing and exhorting ſick perſons, eſpecially when they made their Wills, to this purpoſe. And we find it one of the Articles of Enquiry in King *Edward*'s Viſitation, by *Cranmer*, 1547, *Whether they* (the Curates) *have moved their pariſhioners, lying on their Death-Beds, or at any other time, to beſtow any part of their ſubſtance upon Trentals, Maſſes ſatisfactory, or any ſuch blind Devotions.* Sparrow's Coll. p. 29.

But, when all theſe gifts and bequeſts were totally ſet aſide, and were to be no longer allowed of, *The Poor Man's box*, or Cheſt for Alms, was enjoined to be ſet up, for the reception of what people were wont to beſtow to the ſuperſtitious uſes above-mentioned; and the Curates were required to make their Exhortations to ſick people in favour of this new Inſtitution. Thus we find, among the Articles of Enquiry juſt now quoted, theſe farther *Items: Whether they have provided,*

this liberty, and not to tranſgreſs the bounds within which our diſcretion is reſtrained; nor

vided, and have, a ſtrong Cheſt for the poor mens box, and ſet and faſtened the ſame near to their High Altar. Item, Whether they have diligently called upon, exhorted, and moved, their pariſhioners, and ſpecially when they make their Teſtaments, to give to the ſaid poor mens box, and to beſtow that upon the poor Cheſt which they were wont to beſtow upon Pardons, &c. Ibid.

From theſe obſervations, I apprehend it will be eaſy to collect the true intention of the Rubrics in King *Edward* VI's firſt Service-Book in the Viſitation-Office: *The Miniſter may not forget nor omit to move the ſick perſon (and that moſt earneſtly) to liberality towards the poor.* And, this is annexed to, or is part of, the Clauſe, or Rubric, which appoints the making of Wills, and is not ſeparated, or made a diſtinct Rubric, as it is in our preſent Prayer-Books. That this old Rubric refers to the Injunctions, publiſhed the year before, concerning the poor mans box, cannot I think reaſonably be queſtioned. And that our preſent Rubric, which is the ſame with a ſmall variation, ſhould be interpreted in like manner, with a reference to the 84th Canon, is juſtly, as I conceive, to be inferred.

But now, ſince the publication of theſe directions, both in Rubrics and Canons, the things they treat of are, by time, and in ſome circumſtances, altered from what they then were. There is a better proviſion now made, by Law, for the diſpoſition of Inteſtates Eſtates: There is not that neceſſity there formerly was to admoniſh the people on this head. There are alſo proviſions made, by Law, for the better maintenance of the poor, which may render the uſe of the poor mans box of leſs importance than it formerly was; inſomuch that thoſe public cheſts for Alms are now rarely to be met with: Or, if they remain ſtanding yet in ſome churches, they remain rather as monuments of a former inſtitution for the maintenance of the poor, than ſtand as inſtruments of their preſent ſupply. Theſe things, being conſidered, will make an alteration likewiſe in the ſtreſs to be laid both on the Canon and the Rubric, which latter is likewiſe ſoftened and relaxed in the expreſſion; and is not, as now worded, ſo properly a command, which may not be diſpenſed with, as it is a monition to the Clergy who attend the

nor give any occaſion to a remark that was often in the mouth of a great Churchman and Ritualiſt, viz. *that what was left to the Diſcretion of a Miniſter was alſo left to his Indiſcretion.*

AND whereas there are liberties, too often taken by ſome under the notion of a diſcretionary power, which are not ſo juſtifiable; as, the adding to the public Service more than is commanded, in multiplying Collects (for inſtance) in the coincidence of Feſtivals; or joining at any time more Collects, as Collects for the day, to that which is properly ſo, (and which is but one, except it be in Advent and Lent, or at other times when ſpecial direction is given for more Collects than one;) and in uſing prayers out of the Office for viſiting the ſick, for the ſake of ſuch as deſire to be prayed for; or adding in any other reſpect to the preſcribed ſervice without an order or licence to do ſo; (and the ſame may be ſaid, *vice verſâ*, of omiſſions or paſſing over any parts of the public Offices;) I ſay, whereas too great licence hath been taken in theſe reſpects, we would do well to remember, that, whatever liberties

the ſick, eſpecially when they make their Wills, to remind them of the poor, and of the acceptableneſs of alms-deeds in the ſight of God; but this to be done nevertheleſs by Miniſters at their own diſcretion, as well as in their own manner, with due conſideration of the circumſtances and abilities, as well as of the preſent temper and diſpoſition, of the perſon to be ſo exhorted.

the Rubrics do not formally allow us, they do virtually forbid us: At leaſt we are not to venture upon them on our own judgements, or without the concurrence of our Ordinary, to whoſe diſcretion a greater latitude is given in all caſes where the Rubrics themſelves ſeem not to be a ſufficient Directory.

AND this brings me to the fourth diviſion of Rubrics, *viz.* Such as are within the cognizance, interpretation, or judgement, of the Ordinary of the Dioceſe: As, for inſtance, *the appointment* of that part of the Church *where Morning and Evening Service ſhall be ſaid*; of the *place* and of the *time* * in which women are to be churched: The ordering what ſhall *be publiſhed in time of Divine Service*; and determining upon what extraordinary occaſions *the Litany* or *the Commination* ſhall be uſed; and *the appointment* of the place where young people are to be brought to be *confirmed*; and the like; moſt

* Biſhop *Sparrow* ſays, the Churching of Women was uſed to be done between the firſt and ſecond Service, as he had learnt by ſome Biſhops enquiries at their Viſitations, ſuppoſing that it was the leaſt interruption *then* to either of thoſe Offices. *Sp. by Downes, p.* 232. It is commonly performed on the Week-days, juſt before the general Thankſgiving: On Sundays, juſt after the *Nicene* Creed. Some have thought it a diſtinct Office, and that it ought to be performed before the public Service begins. But, under this uncertainty, the *time* muſt be determined by the ſame rules with *the place:* viz. *as hath been accuſtomed, or as the Ordinary ſhall direct.*

moſt of which are expreſſly left to his determination, and others are referred to him by that general clauſe at the end of the *Preface concerning the Service of the Church*; but with this reſtriction, that *he ſhall order nothing that is contrary to any thing that is contained in the book of Common-Prayer.* So long, therefore, as he acts within theſe limits, his reſolution of doubts and his deciſions concerning the manner how to underſtand and execute the Rubrics, will be our proper warrant: and, where he doth not interpoſe his directions, it is a good rule for us to obſerve the uſual cuſtoms of the Dioceſe we live in, or the particular churches in which we ſerve. Becauſe in theſe caſes all cuſtomary practices, which are ſuppoſed to be known and allowed of by the Ordinary, may be interpreted as his direction: and, our following this rule is countenanced by ſome of the Rubrics themſelves: as in theſe words, *In the accuſtomed place, except it ſhall be otherwiſe determined by the Ordinary.* — *As hath been accuſtomed, or as the Ordinary ſhall direct*, &c.

AND it is upon this footing, and no other that I know of, that we can juſtify ourſelves in making publication of many things in the Church for which there is no direction in the Rubric; as in calling of Veſtries, declaring Pariſh-Officers, giving notice for the collecting Aſſeſſments, and the publiſhing both the names of, and the occaſions for which,

which, perſons deſire the prayers of the congregation, or to return thanks; and other things, that are indeed of an eccleſiaſtical nature, but yet for which we have no direct warrant either from Rubric or our Ordinary. But, theſe ſorts of publications, being cuſtomary, and what our Ordinary muſt be ſuppoſed to be apprized of as ſuch, are preſumed to have his conſent; and ſo to fall within his diſcretionary power; his approbation of ſuch cuſtoms being implied in his connivance at them.

THAT maxim, therefore, of cuſtom having the force of a Law, and practice uncontrouled by our governors being equivalent to a rubrical direction, however it hath been miſapplied in ſome parts of our Church-Service, yet it takes place properly enough in all the Rubrics of this claſs. For, what our ſuperiors do knowingly allow and permit to run into common uſage, when at the ſame time they have power, and it is their duty, to correct if wrong, may very fairly be looked upon as the moſt agreeable to their ſentiments, and conſequently legally right in all theſe caſes where the law hath made them the ſole Arbitrators and Judges of what is ſo. Only we muſt be careful not to extend this rule beyond thoſe bounds within which their diſcretion is circumſcribed; for, where they have *no power* to diſpenſe with our practices, in vain ſhall we look

look for a ſalvo, or any relief, from their authority.

AND this brings us to the fifth and laſt Claſs of Rubrics in the diviſion, *viz.* Such as are plain and expreſs, and neither admit of doubt or limitation, nor are ſubjected any way either to the diſcretion of the Miniſter or the Ordinary; but are of indiſpenſable obligation, and require to be obſerved as they are to be underſtood, that is, according to the letter.

AND of this ſort, as I told you, are much the greateſt number in our Common-Prayer Book; and I hope, of thoſe which are our orders and directions, moſt, if not all, are every-where duly obſerved by us. That, which of all others ſeems to be the leaſt regarded, as far as my obſervation has reached, is a Rubric in the Communion-Office, which I think myſelf bound here to take notice of. It is the Rubric that ſtands immediately before the prayer for the Church Militant, which ſays, that, *when there is a Communion, the Prieſt ſhall then, viz.* before he offers up that Prayer, *place upon the Table ſo much bread and wine as he ſhall think ſufficient.*

THIS was put in at the laſt review, and an expreſſion added in the prayer following which is adapted to that particular action: * for

* *Though our Church,* as Dr. *Nichols* truly ſays, *has not ordered any particular Prayer for this action of the Prieſt, he ought*

for then, and not before, came in the word *Oblations*, having immediate reference to that new order about the *placing the bread and wine upon the Table.* Which word, though commanded to be uſed by another Rubric in the margin, yet cannot be uſed in the plainly-intended ſenſe of it, unleſs the former Rubric, about placing the bread and wine, be complied with.

WHETHER the bringing in this Rite, and adding the word Oblations to the Prayer to ſuit with it, was proper in itſelf, and done upon ſufficient reaſon, is not any part of my deſign to conſider now: though I believe, that whoſoever will be at the pains to look over the annotations of learned men upon the Communion-Office will find ſomething concerning both the expediency and the antiquity of this Rite worthy his attending to.

BUT I here only conſider the order itſelf as a poſitive injunction,* capable of being complied

ought not to neglect the action itſelf: Which reaſon holds much ſtronger when we conſider, that there is an expreſſion to be uſed in the prayer following the action, that preſuppoſes the action to be done by the Miniſter, which expreſſion is rendered inſignificant if he omit the action.

* The Rubric, being plain and expreſs, ſtands in full force, though what I have been ſaying, of the relation of the word *Oblations* to it, ſhould not be allowed me. The truth is, although I take this to be the moſt reaſonable and moſt proper ſenſe to be put upon the word *Oblations* in this Prayer, yet I cannot ſay it is the only ſenſe in which it may be *conſiſtently* taken in this place. *Oblations* is a word that may be

complied with, ordinarily ſpeaking, by any perſon who has the honour to ſtand miniſtering at the Lord's Table.

P IT

be variouſly applied, and hath been ſo in this very paſſage: The Queſtion is, whether any application of it can be fixed upon as certainly right, and as intended by the Compilers of the Rubric? They, who would interpret it of the *Alms*, will find it difficult to get clear of the diſtinction that is made here, between *Alms* and *Oblations*, by the disjunctive *or*: And they, who would interpret it of *Offerings* made to the Clergy, agreeably to the old Rubrics in all the former ſervice-books, will find it hard to account how it happened that this word *Oblations* was not brought into the body of the Prayer till all *theſe Offerings* to the Clergy had in a manner ceaſed, and the Rubric itſelf which directed them was expunged. And they, who ſuppoſe that *the Offerings to the Clergy* are ſtill to be underſtood by that expreſſion of *Other Devotions of the people*, as diſtinguiſhed from their *Alms*, (Vide *Rubric of the Church of England examined and conſidered*, page 91,) would do well to conſider, whether that expreſſion was not rather deſigned to correſpond with another Rubric, added at the laſt Review at the end of the Communion-Office, where it is ſaid, *that the money given at the Offertory (viz.* both *the Alms* and *other Devotions of the people*, which, by the Rubric in the Offertory, are both to be collected together and *received in a decent Baſon) ſhall be diſpoſed of to pious and charitable uſes.* For, upon comparing theſe two Rubrics together, one would naturally think, that, as the *Alms* were properly to be underſtood of that ſhare of the collected money which ſhould be afterwards diſpoſed of to the relief of the poor; ſo alſo, the *Devotions of the people* was an expreſſion that had reference to, and was to be underſtood of, that other ſhare of the ſaid collection that was applicable to *pious uſes.* And it is in this ſenſe that I apprehend the word *Oblations*, inſerted in the prayer, may be conſiſtently applied to a portion of the collection in the Baſon, *viz.* ſuch ſhare as ſhall be appropriated to *acts of piety.* But, when this is allowed, the other meaning of *Oblations*, *viz. Bread and Wine*, will appear the more conſiſtent of the two, eſpecially according to our preſent practice, which is to diſtribute the whole collection to the poor. For, while we do this, I do not ſee in what ſenſe we can uſe the word *Oblations* in the prayer,

except

IT is good, indeed, and commendable, to enquire into the reaſons of every thing belonging

except we underſtand thereby the *Bread and Wine*. And of that we cannot underſtand it, unleſs it be firſt offered or preſented by the Prieſt.

And it may not be amiſs, on the ſubject of the Offertory, to obſerve farther, that, when there is no collection of Alms made, there is no occaſion to uſe any of the ſentences appointed to be recited during the time of a collection. Rub. before the Sentences. *Then ſhall the Prieſt return to the Lord's Table, and begin the Offertory, ſaying one or more of theſe ſentences.* Rub. after the Sentences. *Whilſt theſe Sentences are in reading, the Deacons, Churchwardens, and other fit perſons appointed for that purpoſe, ſhall receive the alms of the poor*, &c. The old Rubrics are more expreſs. *Then ſhall follow the Offertory: one or more of theſe ſentences of Holy Scripture to be ſung while the people do offer. Or elſe one of them to be ſaid by the Miniſter immediately afore the Offering.* —— *Where there be Clerks, they ſhall ſing one or many of the ſentences above-written, according to the length or ſhortneſs of the time that the people be offering.* The Rub. in the Scotch Liturgy is the cleareſt of all. *The Curate ſhall earneſtly exhort them to remember the poor, ſaying (for the Offertory) one or more of theſe ſentences following, as he thinketh moſt convenient by his diſcretion, according to the length or ſhortneſs of the time that the people are offering.* And the firſt ſentence appointed is, *And in proceſs of time it came to paſs, that Cain brought of the fruit of the ground an Offering to the Lord*, &c.

From theſe ſeveral Rubrics laid together, the ſenſe of the Church may be gathered; *viz.* That Alms and the Sentences are intended always to accompany each other: And the obvious inference is, that, where the former are wanting, the latter will ſeem ſuperfluous and without warrant.

Formerly, the Offerings went to the Poor Man's box, and the poor of each pariſh were chiefly ſupported from thence. And then there was an Offertory of Alms, at leaſt every Sunday, if not alſo on Holidays, or as often as the Communion-ſervice was appointed. Such weekly collections at the Church are to this day made in ſome pariſhes where there is no Aſſeſſment to the Poor. And on all theſe Church-gatherings of Alms the uſe of the ſentences is extremely proper. But, where no collection is intended or thought of, there

longing to our Office: But, if we ſhould happen not to be ſatisfied with the reaſons that are aſſigned, ſtill it doth not follow that we may excuſe ourſelves for not obſerving the order that is made to be obſerved by us, which, if a plain one, is reaſon of itſelf to engage our compliance with it. There were orders given at the laſt Reviſal, of which perhaps the reaſons are not quite ſo diſcoverable, or at leaſt not ſo ſatisfactory. As, for inſtance, in this ſame Office for Communion, there was a new direction given, that, at the end of the Epiſtle, the Miniſter ſhould ſay, *Here endeth the Epiſtle, or the portion of Scripture appointed for the Epiſtle.*

 But,

there ſeems to be no inducement to uſe them, as there is no expreſs authority for it. Yet I dare not blame any Miniſter who continues the common practice of reciting one or two of them, before he proceeds to the Prayer for the Church Militant. And the rather, becauſe it is obſervable, that, in moſt of the occaſional Offices for Faſts and Thankſgivings, enjoined by Authority, one of theſe ſentences, which bears the neareſt relation to the occaſion in hand, is directed to be read at the Offertory. And theſe directions plainly carry their authority along with them. But, while we are left to the apparent directions in the *Rubric only*, it will be difficult to ſhew that we have any authority from thence to uſe them when there are no ſtated Offerings of Alms. The juſt conſequence of which would have been, that we might not at thoſe times uſe *any* of theſe ſentences, had not cuſtom, and an almoſt univerſal practice of the Clergy, forbid the drawing ſuch a conſequence.

Therefore, as the matter now ſtands, it ſeems to be left as a point determinable at our own diſcretion, *viz.* either *to do* what has been moſt uſually done, or *not to do* what we are perſuaded, in our judgements, was not originally deſigned to be done.

But, at the end of the Goſpel, he is left without direction, and ſo muſt proceed, on courſe, to the *Nicene* Creed. They, who undertake to account for every thing, tell us that the reaſon of this is, that the Goſpel is ſuppoſed to be continued in the Creed, and endeth not, properly, till we conclude with *Life of the World to come. Amen.* But, whether this be thought a ſatisfactory reaſon or not, yet the ſilence of the Rubric is a ſufficient argument that we ought not to put in any words of our own at the end of the Goſpel: The want of an order, in this caſe, amounting to a prohibition.

IT may be ſaid, perhaps, there is no great reaſon, conſidering how many things are left in the Liturgy to our diſcretion, that we ſhould be directed in ſuch minute particulars as theſe are. Why may we not, for inſtance, be intruſted with uſing our own manner of introducing a Leſſon out of the Bible, or a Portion of Scripture to be read at the Altar, but the very words muſt be preſcribed us? True: And yet I muſt needs ſay, that he is both conceited and preſumptuous who is above following rule, (when it is given,) even in theſe little matters: Eſpecially where the command is poſitive and expreſs, as it is, upon ſuppoſition, in all the Rubrics of this claſs.

OF which I muſt obſerve to you, in general, that no cuſtom, however confirmed,

can

can take place againſt them: that we cannot transfer our breaches of them into the liſt of approved practices, nor juſtify our neglects of them by pleading the connivance, or, if you will, the approbation of our Superiors. It is true, the Ordinary may forbear to blame, and he may neglect to reform, any cuſtomary deviations from, or any open defiances of, expreſs and poſitive Rubrics. But, as he hath no power to alter them, or to diſpenſe with alterations made in them, ſo he cannot excuſe or diſcharge us from our obligations to conform ourſelves to them. His authority in the Rubrics of the laſt claſs is ſo limited, that he cannot extend it to thoſe of this: for, thoſe rules which are clear and plain muſt be the Ordinary's directions as well as ours. And therefore it is never to be preſumed, that our non-compliance with plain and poſitive rules, however ſupported by example and cuſtom, can receive any warrant from his permiſſion or approbation. For, we are antecedently bound to obſerve them by our own ſolemn *declarations* and *ſubſcriptions of Conformity*: which, if they will not bind to thoſe things which are ſufficiently clear, obvious, and practicable, I know not what uſe they are of, or with what intention we made them.

AND now, my Brethren, what I have ſaid of the different kinds of Rubric, will, I apprehend, bear an examination through all

all the Offices of our Church; and will be a ſtanding rule by which we may judge of our obligations to conformity in every inſtance, and a proper foundation upon which we may always reſt ourſelves, both in determining our judgements, and regulating our practice, in rubrical matters.

VISI-

VISITATION-CHARGE, *Anno* 1738.

DISCOURSE V.

Upon the Canons in general.

Reverend Brethren,

THE ſubject of ſeveral of my late diſcourſes to you, at our meeting on theſe occaſions, has been the obligation of the Clergy to the Eccleſiaſtical Laws.

I HAVE already gone through the moſt important branch of it, relating to our obſervance of thoſe articles which we have bound upon ourſelves by our *ſubſcriptions* and *declarations*.

AND I come now to take into conſideration that body of Laws which we call Canons: Which are bound upon us *by authority*, without our formal conſent or voluntary ſtipulation to obſerve them. In which branch of the ſubject, as our obligation is ſomething more remote than in the former, ſo it is leſs clearly to be diſcerned: and, though the matter of it, at leaſt in many particulars, be of leſs conſequence, yet it is more nice and difficult to be treated of. Eſpecially as there are no helps, by way of comment

comment on the Canons, from which aſſiſtance might be borrowed, either for explaining them, or aſcertaining the meaſures of obedience due to them.

THE *old Conſtitutions* indeed are publiſhed with very large, and, it is ſaid, learned, commentaries of *Lynwood* and *John de Athon*, in imitation of the *Decretals*, or foreign Canons. But ours, of 1603, which make that body of Eccleſiaſtical Law by which our Church is governed at this day, have never yet received, that I have heard of, either any profeſſed commentary upon them, or diſpoſition concerning them.

IF it be ſaid they need it not, becauſe, the matter of them being much the ſame with former Conſtitutions, therefore the ſame copious illuſtrations, juſt now mentioned, may ſerve for both; and that the ſtanding practice of the Courts will always be a ſufficient guide in the interpretation of them both; I anſwer, that all this may be very true, (for any thing I know,) ſo far as they concern the practiſing Civilian; who will, perhaps, need no other helps than theſe comments and judicial precedents to enable him to diſcharge himſelf rightly, either as advocate or judge, in all points to be pleaded or decided by virtue of the preſent Canons. But yet this doth not reach the ſcope of my intended enquiry; which is not upon the queſtion of *what is Law*, and *what is not ſo*, (for, this

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we remit to the men of the profeſſion;) but, what are the obligations of the Parochial Clergy in their preſent ſituation under Church-Government in this Kingdom, and under the preſent adminiſtration of the Eccleſiaſtical Laws, to conform themſelves to the letter of the Canons.

THIS, I apprehend, is a very diſtinct queſtion from the other, the determination of which comes not ſo properly within the province of the Canoniſt or Civilian (characters that I preſume not to take upon myſelf) as it does within that of the Caſuiſt or Divine. In which quality or reſpect only, I would propoſe to you, my Brethren, an examination of our ſpecial obligations to thoſe particular Canons that do immediately relate to ourſelves. For, as to all thoſe others that concern *Ordinaries*, and the *exerciſe of their powers* within their reſpective juriſdictions, *their Courts*, and *their Officers*; and all ſuch as concern *Deans* and *Chapters*, *Heads* and *Fellows* of Colleges in the Univerſities; and all ſuch as concern the Commonalty in general; in a word, whatſoever doth not directly affect private Miniſters and Curates, with regard to their Function, Habit, or Converſation; all theſe, I ſay, ſhall be out of the preſent queſtion.

AND, though this is reducing my buſineſs ſeemingly into a ſmall compaſs, yet it proves a buſineſs of ſo delicate a nature, that I could

have wiſhed to have had better authorities (could I have met with them) than my own way of reaſoning upon it. My private ſentiments however, ſuch as they are, you will candidly accept; eſpecially when I profeſs, that, if you have any other or better grounds upon which to regulate your obedience to the Canons, than thoſe which I go upon, I am very far from impoſing my own ſenſe upon you. But, if you have not better, perhaps what I ſhall advance will not ſeem altogether unſatisfactory.

IN the firſt place, then, I think it is agreed on all hands, and maintained by the common Lawyers as well as Civilians, that the Canons (at leaſt with reſpect to us of the Clergy, in which light alone I am viewing them at preſent) are Law, and binding, under their ſeveral penalties, in all caſes whatſoever, where they do not contradict or interfere with the Laws of the State. And, in the next place, I think it is agreed, likewiſe, that they, like other Laws, are to be expounded in the obvious grammatical ſenſe of the words in which they are expreſſed, or by the interpretation of the eccleſiaſtical Judges before whom they are pleaded *as Law*. And I apprehend that, in all caſes proſecuted upon the Canons, and determinable by them, the Judges, in proceeding *as the Canons direct*, interpret them always according to the letter. The immediate inference from which ſhould

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ſeem to be, that they ought likewiſe, *in all caſes, to be literally conformed to.* And yet, if we ſhould lay this down as an invariable or indiſpenſable rule of practice, as matters now ſtand with us, in all caſes to pay a literal obedience to the Canons, we ſhould ſoon find ourſelves ſo entangled and beſet with difficulties, as would puzzle both profeſſions of the Law, as well as our own, to extricate us out of.

To give an inſtance or two of what I mean. When the Canons were made and publiſhed, the Parochial Clergy were diſtinguiſhed by certain characters which ſeem now quite out of doors. Even beneficed men were divided into two ſorts, *viz.* allowed or licenſed Preachers. and Readers of Homilies; beſides that other diſtinction of Stipendary Preachers, Readers of Lectures, and Catechiſers, or public Expounders of Scripture, which made a third claſs: or, as many more claſſes as thoſe words might, at that time, denote different Offices or different Species of public inſtruction. With a view to theſe diſtinctions are ſome Canons manifeſtly formed. But now, for us to ſay that, becauſe theſe diſtinctions are dropped, and theſe ſeveral Offices are now reduced by cuſtom only to two, *preaching and catechiſing*; and both theſe are indiſcriminately performed by every one that is admitted into Holy Orders; I ſay, to infer from hence, that therefore theſe Canons are antiquated or invalid,

is an argument that will not hold. For, if our Ordinary ſhould think fit at any time to try the ſtrength of them upon us, and ſuffer none of us to preach, read lectures, expound, or catechiſe, but who are canonically allowed and licenſed thereunto; he might either effectually ſtop the mouths of as many of us as have not his preaching Licence, or reduce us at leaſt to the reading of Homilies. And yet, on the other hand, if any beneficed man, who is not an allowed Preacher, ſhould out of mere ſcrupuloſity adhere to the ſtrict letter of the Canons, and not venture upon any farther eſſay in his Pulpit than the bare recital of an Homily; I believe he would neither be commended by his Ordinary nor thanked by his Congregation: but would rather draw upon himſelf an imputation of whim and obſtinacy, or, what is worſe, of idleneſs and unconcern for his Flock.

THERE is likewiſe another Canon, for inſtance, concerning Apparel, framed and worded ſuitably to the times in which it was drawn up; which yet if a Clergyman were now-a-days to conform himſelf to according to the letter, he would paſs, in the eye of the world, with no favourable character; a much worſe perhaps than his ſcrupuloſity would deſerve, and ſuch as all his ſkill in Caſuiſtry would ſcarce redeem. Yet, notwithſtanding this, I will not ſay how far an Ordinary,

Ordinary, if he were ſo minded, might go towards putting this very Canon in execution according to the letter of it. I mean, with reſpect to his juſt and legal authority to enforce it, if he could be ſuppoſed to have any reaſon to induce him thereunto, or be able, with any certainty, to define or explain the meaning of ſome obſolete and now unaccuſtomed terms, made uſe of in the deſcription of a canonical habit.

THE uſe I would make of mentioning theſe inſtances is, that, if theſe Canons be Law, and yet ſo in force that there is a ſtanding authority left which can command our Conformity to them, then we cannot juſtly argue againſt our obligations to them, merely from their antiquity, or their unſuitableneſs to the times we live in, or their inconvenience in our preſent ſituations, but muſt look out for ſome more defenſible reaſons, to juſtify us in our not obſerving them.

THE next enquiry, then, naturally is, whether there are not certain Diſpenſations, or acknowledged Tolerations, which come in to our relief upon this queſtion; and what they be; and how far they extend; that is, to what caſes, and in what meaſure and degree.

I HAD obſerved in a former Diſcourſe, in which I very briefly touched upon this ſubject, that, beſides thoſe *Diſpenſations* that are *formal and expreſs*, and ſtrictly authoritative, there

there were (as I apprehended) another ſort, which might very reaſonably and allowably be pleaded for our not following the letter of the Canons in all points. To theſe, for diſtinction-ſake, I gave the name of *tacit Diſpenſations*; that is, when the proper Guardians or Conſervators of the Eccleſiaſtical Laws were known to be conſenting to our departure from the letter of the Canons, on preſumption that we anſwered the principal end and intention of them ſome other way. Which interpretative Tolerations, though they do not ſo far interfere with the Canons as to annul or deſtroy their validity or their obligation, yet they ſo far relieve us, under our preſent ſituation, as to exempt us from whatever ſeems at this time grievous or exceptionable in the Canonical Injunctions. And theſe tacit Diſpenſations I did farther diſtinguiſh into *general* and *particular*; and ſhall now, before we proceed any farther, endeavour to ſupport and confirm theſe *three Diſtinctions of Diſpenſations*, by ſuch reaſons as I hope will prove, that they are not arbitrarily invented, but grounded upon a juſtifiable authority.

FIRST, then, it is acknowledged, that the Ordinaries have in ſome caſes a diſpenſing Power: allowed them in part by the Canons themſelves, † in part accruing to them by

† Can. 32, 42, 44, 51, 62, &c.

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a cuſtomary Prerogative. ‡ And their expreſs licence, given in form, is a full diſcharge from all obligation to ſuch Canons as are within the compaſs of their diſpenſing powers.

THIS is clear; ſo is alſo another diſcharge that is made by the ſeveral *Statutes* enacted ſince the publication of the Canons: for, the laws of the State do in ſome things ſuperſede them; (as, for inſtance, the act for aboliſhing the High-Commiſſion Court over-rules, or rather abrogates, the 86th Canon;) and, in other things, they direct and point out the interpretation of them; (as, the laſt Act of Uniformity, for inſtance, gives the ſenſe and determines the preſent meaning of the 14th Canon, *Concerning the preſcript form of Divine Service*, which is not the ſame now that it was in 1603, when the Canons were publiſhed.) Therefore, concerning this claſs of Diſpenſations, or Diſcharges from the letter of them, there is no doubt to be made, either in point of Law or Conſcience.

THE queſtion is about thoſe only that come under the denomination of *tacit Diſpenſations*, whether *general* or *particular*; of both which I come now to give an account.

‡ This is ſeen chiefly in ſuch acts as they perform themſelves by a peculiar privilege; as marrying out of canonical hours; and in extraordinary Faculties granted by Archbiſhops, as that of licenſing a Biſhop to ordain a man Prieſt and Deacon on the ſame day, &c.

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THE particular tacit Diſpenſations are, when the Ordinary, or they whoſe buſineſs and charge it is to ſee that the Canons are obeyed, do, for ſome ſpecial and obvious reaſons, connive at certain things, or proceedings not ſtrictly canonical within their own juriſdictions: When they are known, in their private judgement, to allow what, at the ſame time, they may be unwilling openly to warrant and juſtify by their Authority; as doubting, perhaps, whether they can legally give a ſanction to what nevertheleſs they are obliged, by the reaſon of the thing, to give permiſſion.

THAT ſuch ſpecial allowances are neceſſary to be ſometimes made will appear from hence; that it is impoſſible, humanly ſpeaking, to frame a body of Laws ſo completely as to ſuit all places equally within the Realm; or to calculate them ſo exactly to the various circumſtances, both of things and perſons, that come under eccleſiaſtical Cognizance, as to make them anſwer all with any tolerable convenience. Whence it follows, that, in different diſtricts, or dioceſes, there will be ſuch peculiar and local inconveniences, in keeping ſtrictly in all caſes to the letter of the Canons, as could not well be endured, if a remedy did not lie in the tacit Diſpenſation of the Ordinary, and the diſcretion of others who are concerned in putting the Canons in execution.

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AND, as theſe Tolerations reſpect particular and local inconveniences, ſo the *general tacit Diſpenſations* reſpect ſuch as are abſolute and common to all; that is to ſay, when the Ordinaries, or other Spiritual Judges, whoſe buſineſs it is to enforce diſcipline or rule, do appear, by a general and avowed neglect on their ſide, to conſent, and as it were ſubſcribe, to thoſe Non-Obſervances of the Canons which they unanimouſly overlook. And for this, too, there may be very good reaſons. The Canons were framed ſuitably to the particular principles, diſcipline, and cuſtoms, of that age in which they were ſet forth. The reaſons of ſome injunctions have now ceaſed. The uſe and fitneſs of others now no longer appeareth. And, what might be decent then, and paſs well, would ſeem now, (after almoſt a century and a half,) through gradual change of cuſtoms, ſtrangely antique and unbecoming. And this will happen on courſe in all Laws and Inſtitutions concerning Circumſtantials and things in themſelves indifferent; which are perpetually ſubject to alterations as the times change, having nothing in themſelves to ſupport their credit againſt the prevailing humour of mankind. And therefore, in all theſe caſes, the main end and deſign of the Law or Inſtitution is more to be attended to than the particular circumſtance, mode, or manner, of complying with it. For which

reaſon, our Governors might think it better, and more diſcreet, to connive with one conſent at the neglect of the letter of ſome Canon, that they might give thereby the more ſcope and room for attaining the true end and intention of them.

YOU will better diſcern the juſtneſs of theſe obſervations, when I ſhall come hereafter to apply them in their proper places to the Canons themſelves. At preſent it is time I ſhould draw towards my intended concluſion from theſe premiſſes. As thus:

THAT, when we have admitted theſe three kinds of Diſpenſations abovementioned, and ſerved ourſelves of them as far as they will juſtify us, it will be very hard to find any other reaſon, or cauſe of excuſe, for not conforming to the letter of the Canons. For, as I before ſaid, they are all Laws, which require our ſubmiſſion to them in all points which are neither ſuperſeded nor diſpenſed with: and conſequently our obedience (as I take it) is ſubject to no other limitations but what come under one or other of the aforementioned heads.

To allege, that the matter of the Canons is not always of ſuch conſequence as to require we ſhould be ſo cloſely tied up to Conformity, is an inſufficient plea: becauſe, we are not proper judges of *that*. And, although it be true, that every breach of Canons undiſpenſed with is not of equal conſequence,

ſequence, nor equally attended with cenſure; yet this is a conſideration that ought to have no weight, while we are examining into the nature and extent of our obligations to obſerve them. There is no doubt but a Clergyman runs more hazard of being called to account, and ſuffering a greater penalty, and in reality does a more miſchievous thing, by breaking the 62d Canon, which prohibits all Marriages without Banns or Licence, than by breaking a great many more, (that I could name,) which yet are equally obligatory upon him in point of Conſcience, and which do no more admit of any ſort of Diſpenſation than that ſame injunction about marriages doth. So that this diſtinction of a more or leſs importance, in the ſubject-matter of theſe Laws, will not come into the queſtion, while we are conſidering them as a rule to which we ought to conform ourſelves.

ALL that I have been ſaying, then, concludes in theſe two general Rules of Direction. Firſt, to adhere to the letter of the Canons in all caſes where we cannot juſtly allege any of the three kinds of Diſpenſations above-mentioned. And,

SECONDLY, in all caſes where we can plead a Diſpenſation for departing from the letter, to anſwer the true intention of the Canons ſome other way: and not to depart farther from them than we have ſatisfac-

tory Reaſons, as well as preſumed leave, to juſtify and warrant us in ſo doing.

IT is upon this plan, or ſcheme, that I propoſe, (God willing,) hereafter, as I ſhall have opportunity on theſe occaſions, to go through the examination of all thoſe Canons that more immediately relate to us of the Parochial Clergy.

AND, in the mean time, what I have now offered, preparatory to this enqtiiry, may not be unuſeful to ſuch as have not had the Canons much in their thoughts, nor were ever at the pains of trying how to reconcile their practice to the Eccleſiaſtical Laws.

I SHALL cloſe this addreſs to you with obſerving, that the Canons, however by the Laity cuſtomarily ſlighted, or through inadvertency diſparaged, are yet well worthy our peruſing and reflecting upon now and then. And it can hardly be ſuppoſed, but *King James's Injunction*, towards the End of his *Ratification* of them, requiring them to be read over publicly in the churches once a year, though it might be deſigned chiefly for the benefit and admonition of the Laity, yet had ſome view likewiſe to a benefit that might accrue to the Clergy themſelves from doing ſo: That the Canons might not lie dormant in the Pariſh-Cheſt, but be ſeaſonably kept up in the remembrance both of Prieſt and People.

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WHAT authority, indeed, that Injunction hath, at this time, may be a queſtion. It is not Canon, nor is the neglect of it preſentable, or made an Article of Enquiry into the tranſgreſſions of Eccleſiaſtical Laws. Yet it is enjoined in the ſame Letters Patents by which the King ratified the body of Canons for himſelf and his Succeſſors. But, whether it partakes of the ſame ſtanding authority with the Canons by him thus ratified, ſince it is neither Canon itſelf, nor hath been revived among the Injunctions given by ſucceeding Princes, who all have acknowledged and in ſome points reinforced the Canons themſelves; or whether it ceaſed to be in force after the King's demiſe, as it was thought Queen *Elizabeth*'s Injunctions did at hers, becauſe ſhe had not ratified them for her Heirs and lawful Succeſſors, as well as for herſelf, is a nicety that I will not take upon me to determine.

ONLY thus much I may take leave to remark, that we are under no formal diſcharge from obſerving this injunction, if we find it expedient to follow it. We are at liberty to read the Canons, or ſuch portions of them as we ſee convenient for the inſtruction of the people, by virtue of this injunction, at leaſt once in the year. Nor can it be judged unſeaſonable or improper for us to make uſe of an order, which, though perhaps not ſtrictly obligatory, yet at leaſt hath never been

been contradicted or ſet aſide by Authority: eſpecially as we are in ſome ſenſe the conſervators of the Eccleſiaſtical Laws, under the Ordinary, within our ſeveral charges.

BUT, whatever be our ſentiments or our conduct as to this matter; whether we judge it expedient or not to recite and publiſh the Canons yearly in our Churches; yet it is highly fitting, at leaſt, that we look into them ourſelves, and duly ponder thoſe parts which immediately appertain to our Office and Miniſtry.

AND, if what I have ſaid can any way facilitate, or give any furtherance to, your reflections thereupon, you claim the advantage by the undoubted title you have to my beſt endeavours for your ſervice.

VISI-

VISITATION-CHARGE, *Anno* 1739.

DISCOURSE VI.

Upon the Canons under the two firſt Titles.

Reverend Brethren,

MY laſt charge, on this occaſion, was wholly taken up in preparing the way for the examination of ſuch Canons as immediately concern the parochial Clergy.

THE enquiry was then into our obligation to obſerve them, to ſhew what it was, and how far it extended. The reſult of it in the concluſion, which is all that I ſhall now repeat, was this, that we ſeemed bound to adhere to the letter of the Canon in all caſes where we could not plead a diſpenſation for departing from it. And, in ſuch caſes where we pleaded a diſpenſation to exempt us from the literal obſervance of them, we ſeemed bound to anſwer and fulfil the true intention of them, as far as we could, ſome other way.

AND, that no doubt may ariſe concerning the word *Diſpenſation*, and the extent of it in our preſent queſtion, I muſt farther put you in mind of no leſs than three ſorts of Diſpenſations,

ſations, which it was ſuppoſed, for reaſons then given, would be ſufficient diſcharges of our obligation to the letter of the Canons.

THE firſt ſort were formal and expreſs Diſpenſations by proper Authority. The ſecond were particular tacit Diſpenſations from our Ordinary in ſpecial caſes. And the third, general tacit Diſpenſations, or liberties commonly allowed by all the Ordinaries in the Realm; *viz.* Liberties not cenſured, or ſo much as called in queſtion, by them. Which laſt claſs, though at firſt ſight it may ſeem the moſt exceptionable, yet ſtands upon a footing univerſally acknowledged, *that Canons do not prevail againſt Cuſtom.* And, I think it is allowed, by all the Canoniſts and Caſuiſts, that a general permiſſion of ſuperiors, joined with reaſonable circumſtances, is ſufficient to abate the force of any Canon, ſo far at leaſt as to be a warrantable Diſpenſation for not obſerving it.

THESE were the rules and theſe were the diſtinctions that I had laid down as a proper foundation to build upon in my ſucceeding diſcourſes upon this ſubject. And, how far they will anſwer this end, you will beſt judge by the application of them which I ſhall now begin to make to the Canons themſelves. Which I ſhall take in their order, as they lie ſorted and diſpoſed under ſeveral different heads or general titles. And this method will bring into examination all thoſe

Canons,

Canons, and clauſes of Canons, which relate to us or our Office, though not brought under the peculiar title of Miniſters and their Functions.

AND, in the firſt diviſion, under the title of the Church of *England*, I find only one paſſage that relates immediately to us as Clergymen, and that is in the very firſt Canon concerning the King's ſupremacy in Cauſes Eccleſiaſtical. Where it is ſaid, that all perſons having cure of ſouls, Preachers and Lecturers, ſhall declare, four times in the year, in their ſermons, *that all uſurped and foreign power is for juſt reaſons taken away and aboliſhed, and that the King of theſe Realms is the higheſt power, under God.* The ſame was in the Injunctions of *Henry* VIII. *Edward* VI. and Queen *Elizabeth*, and was ſtill more particularly inſiſted upon afterwards in the Canons of 1640, by which it was decreed and ordained, *That every Preacher, upon ſome Sunday every Quarter, ſhould read certain explanations of the regal power*, inſerted at length in the body of the Canon.

AND indeed there was great reaſon, in thoſe early times after the Reformation, to inculcate the eccleſiaſtical juriſdiction of the Crown in oppoſition to all foreign authority, and to keep the commonalty mindful of this till all notions of the Pope's Supremacy were rooted out. And, though this ſeems to have been pretty well effected within the firſt cen-

tury after the Reformation, yet we are to remember, that there were other occaſions given *by the Puritans* to inſiſt ſtrongly upon the King's authority in matters of Religion. For which reaſon it ſhould ſeem that the Canons of 1640 above-mentioned have carried *the Regale* to a remarkable height, beyond what had been done in any Conſtitutions before. But now, there having paſſed almoſt another century under the ſufficient eſtabliſhment of the Royal Supremacy, and all notions of foreign juriſdiction being laid aſide, and the oath of ſupremacy being ſuch a ſtanding bar againſt the re-admittance of any ſuch claims, that they are not likely to get any footing in theſe kingdoms again; I ſay, upon all theſe accounts, there ſeems no longer occaſion for Preachers to handle this doctrine in the pulpit; at leaſt not ſo frequently as the Canon directs. And therefore, (that I may now apply my rules of Diſpenſation to this point,) ſince our Ordinaries do not make this any matter of their enquiry at their Viſitations, nor enforce the execution of this Canon by any orders to revive a practice now long interrupted; nay, as the Crown itſelf, which is principally intereſted in this article, hath never thought fit, among the many injunctions given from the Throne, to enjoin the ſtrict obſervance of this Canon to the preaching Clergy: I ſay, putting all theſe things together, we have an excuſe to make, if we be

queſtioned

queſtioned upon this particular, from the third claſs of Diſpenſations: *viz.* That we apprehend we are not tied up to any rule after univerſal diſuſe hath given us a general relaxation. That many of the ancient Canons of the Church, which were formed upon particular and ſpecial occaſions, have, upon the reaſons of them ceaſing, fallen into diſuetude, and the obſervance of them at no hand expected from us; it being always preſumed, that, where there is no admonition by Superiors, but an avowed tacit connivance, there is a conſent implied towards laying aſide the obligation. Which plea on our behalf is moſt reaſonable and juſt, when we can farther ſay that we ſtill do ſomething to anſwer the end of the Canon, as far as is now requiſite, ſome other way.

AND this I apprehend we do ſufficiently by recogniſing the King's Titles and eccleſiaſtical Prerogatives in our exhortations before our ſermons, according to the 55th Canon: The conſtant obſervance of which makes all the neceſſary amends for our cuſtomary non-obſervance of this.

AND it is worthy our remarking here, that, in his late Majeſty's directions to the Biſhops in the year 1714, theſe two Canons are put upon a different footing of obligation.

FOR, in the 4th article of thoſe directions where the Clergy are prohibited from intermeddling in their ſermons in any affair of ſtate

or government, or conſtitutions of the realm, although there is a proviſo, that *Nothing in this direction ſhall be underſtood to diſcharge any perſon from preaching in defence of the regal Supremacy as often and in ſuch manner as the firſt Canon of the Church doth require*; yet you may obſerve that this is put in only to ſave the appearance of abrogating or contradicting that clauſe in the 1ſt Canon: that here is no new enforcement of it, no command to execute it punctually and literally, but only a reſervation made of the liberty that the Clergy have of acting purſuant to it whenever they pleaſe.

BUT now, in the 6th article of thoſe directions that follows, concerning the 55th Canon, the Clergy are required, in their prayers before ſermon, that they keep ſtrictly *to the form in the ſaid Canon contained, or to the full effect thereof*; which is a plain declaration of our ſupreme Head, whom this artiele moſt nearly concerns, that the neglect of the 55th Canon is not to be tolerated; and at the ſame time a tacit intimation that the diſuſe of the other may. The intention, in the one caſe, is to reinforce a Canon by a new charge to obſerve it; in the other, not directly to evacuate a Canon by giving an expreſs diſcharge from it. The inference that I would draw from this difference is only this, that one of theſe Canons we *may* obſerve, but the other we *muſt:* the one will admit of a Diſpenſation from cuſtomary diſuſe, but the other will not.

I SEE

I SEE nothing more under the firſt general title that comes under our preſent conſideration. But the ſecond title, *of divine ſervice and the Adminiſtration of the Sacraments*, will furniſh us with ſeveral points to be examined.

THE 14th Canon, which is the ſecond of this claſs, injoins *the preſcript form of divine ſervice to be uſed on Sundays and Holidays.* And the charge of uſing this lies upon all Miniſters, *without either diminiſhing or adding any thing in the matter or form thereof*; for ſo the Canon injoins.

BUT now there is no doing this in the preciſe ſenſe and intention of the compilers. For, the ſervice-book, or *preſcript form*, to which they referred, was that which was publiſhed with amendments by King *James* I. immediately after the *Hampton-Court* conference, and immediately before the publication of theſe Canons: and which continued in uſe till it was quite put down in the great Rebellion. And it was a queſtion *even then*, when theſe Canons were made, whether that form of Common-Prayer to which they referred, as it was only authorized by the King's mandate, was of competent and ſufficient authority to ſuperſede and exclude the *preſcript form* eſtabliſhed by act of Parliament in Queen *Elizabeth*'s reign. For this was diſputed, not only by the Puritans of thoſe days, but afterwards by ſome of the greateſt Ritualiſts.

BUT

BUT now, this doubt and queſtion, as well as the ſervice-books which were the ſubject of it, being at an end, by the reviſal of the Liturgy at the Reſtoration, and the Parliamentary Eſtabliſhment of *that reviſed form* for divine ſervice for the future, our obedience to this Canon can ſtand upon no other bottom, and is capable of no other interpretation, than this; that we do anſwer the general deſign and intention of it by conforming ourſelves to the *preſcript form* now in uſe. And, for our not fulfilling it in the letter, or according to its ſpecial intention, we allege an authority from the legiſlature to juſtify us according to the firſt claſs of Diſpenſations: which is the fulleſt authority we can at any time plead.

THE like may be ſaid of the next Canon, *viz.* the 15th, which requires *the Litany to be read on Wedneſdays and Fridays.* We cannot perform this office agreeably both to the old ſervice-book of King *James* and our preſent reſtored Liturgy. For, according to the former, it is to be a diſtinct office, and to be uſed by itſelf; and, what is more, it hath thoſe very collects annexed to it, which, by our preſent common-prayer book, are forbidden to be uſed at the ſame time when the Litany is. There is no compounding theſe differences or reconciling theſe contrarieties. But, when Canon and Rubric interfere with each other, we know which of them muſt take

take place. The Rubric is the ſtanding rule to which we muſt conform ourſelves. But, nevertheleſs, in ſo doing we anſwer the general intent and purport of the Canons; and *that*, in theſe caſes, amply fulfils our obligations to them.

FOR this reaſon, I ſhall totally omit the particular conſideration of the 20th,† 21ſt, and 22d, Canons, which are transferred into the Rubric.

I SHOULD, for the ſame reaſon, paſs by the 26th likewiſe, concerning the repelling notorious offenders from the Communion, about which there is alſo a Rubric which I have formerly conſidered, were it not that there is a clauſe in that Canon which doth not interfere with, or come under, the conſideration of the Rubric. And, where Rubric

† The Rubric upon the ſame point is fuller and clearer than the Canon. For, whereas it is only ſaid, in the latter, that the Churchwardens of every pariſh, againſt the time of every Communion, ſhall, at the charge of the pariſh, provide a ſufficient quantity of bread and wine, *with the advice and direction of the Miniſter*; the Rubric has it, that the bread and wine for the Communion ſhall be provided *by the Curate and the Churchwardens at the charges of the Pariſh*. But I fear neither Canon nor Rubric will prevail, againſt cuſtom and long uſage, for the diſcharging any Pariſh-Miniſter, who hath provided the bread and wine hitherto at his own coſt, from that expence and burden: I mean for thoſe three Communions which he is bound to miniſter every year; that of *Eaſter* being one, and for which he is ſuppoſed to be intitled to ſome of his *Eaſter*-Offerings or Reckonings. We are told that this order, both in Canon and Rubric, is not to be underſtood to extend to any places where the proviſion of bread and wine was already ſettled by cuſtom; which ſuppoſes compoſition.

doth

doth not contradict Canon, or cannot be judged explanatory of it, I preſume it doth not ſuperſede it. And this is the caſe of the clauſe, in the 26th Canon, concerning the *withholding of Churchwardens and Sidemen from the Communion, for wilfully neglecting or refuſing to preſent notorious offences committed within their pariſh.* No doubt the deſign of this was very good, to repreſent to Churchwardens, in the ſtrongeſt light, the guilt and bad conſequences of their not diſcharging this part of their duty faithfully and conſcientiouſly.

BUT I fear the injunction, conſidered as an act of diſcipline to be performed by the Miniſter, is almoſt impracticable. For, as the Canon is worded, (and probably ſo worded on purpoſe to prevent any miſuſe of ſuch authority veſted in the Miniſter,) he is only to exclude from the Communion ſuch *as have wittingly and willingly, deſperately and irreligiouſly, incurred the crime of perjury, by not preſenting what themſelves knew to be committed, or was notoriouſly offenſive to the congregation, although they were urged by their neighbours, or by their Miniſter, or by their Ordinary himſelf, to diſcharge their conſciences.* And, the Miniſter muſt not only know this, but he muſt be able to make it appear to others too, before he can ſafely repel them upon this ſcore. For, there is another Canon, which provides, that, after their preſentments are exhibited, they

they ſhall not be any farther troubled for the ſame; *except, upon manifeſt and evident proof, it may appear, that they did willingly and wittingly omit to preſent ſuch public crime or crimes as they knew to be committed.* In which caſes of wilful omiſſion, *the Ordinary ſhall proceed againſt them in ſuch ſort as in caſes of wilful perjury, in a Court Eccleſiaſtical, it is already by law provided.* Theſe are the very words of the 117th Canon. So that it ſhould rather ſeem as if the proceedings of the Ordinary againſt ſuch delinquents ought to precede their excluſion from the Sacrament; which would make the Miniſter's province a very clear caſe.

BUT, if this is not allowed, you will find, upon comparing theſe two Canons, that the reſtraints and reſerves, under which the Miniſter is injoined to perform this ſpecial act of diſcipline, are ſuch as ſcarce leave him room to know when he acts within or beyond his commiſſion. He can hardly ever be ſure, much leſs be able to prove, that the neglects of his Churchwardens, in not preſenting, come up to the exaggerating terms by which they are deſcribed. And, if they fall ſhort of them, he hath no power, by virtue of the Canon, to withhold them from Communion.

WE need not therefore, I think, look out for any other Diſpenſation in this caſe than the cuſtomary diſuſe of this diſcipline, owing to the caution and prudence of the Clergy.

BY the next Canon, *viz.* 27, the Sacrament is to be withheld from *ſchiſmatics, and depravers of the Common-Prayer, the articles of Religion, and the King's Eccleſiaſtical Supremacy.* Theſe offences are not mentioned in the Rubric; yet, ſo great a ſtreſs is laid upon them here, that nothing leſs than ſuſpenſion is threatened to the Miniſter who complies not with this direction.

THAT there were good reaſons for this ſtrictneſs, when the Canons were drawn up, we will make no diſpute. But, whether there be any now, or how we ſtand bound by this conſtitution at this preſent day, deſerves our enquiry.

IN the firſt place, the Teſt-act hath ſuperſeded the obligation of this Canon in all caſes where the Sacrament is received for a qualification: ſo that even an avowed ſchiſmatic, offering himſelf under ſhelter of this act, is ſufficiently ſcreened from the cenſure of the Canon.

AND, 2*dly*, the act of Toleration, allowing to all ſchiſmatics the uſe of the Sacraments in their own way, not only leaves them under no temptation of occaſional conformity, (ſave in caſes of qualifications,) but exempts them from all trouble and proſecution in the Eccleſiaſtical Courts, to which their repulſion from the Communion is, in effect or by conſequence, a leading ſtep.

AND,

AND, 3*dly*, what is ſtill more material, it doth not yet appear whether the Canon directeth any to be excluded as ſchiſmatics, but ſuch as are declared ſo by ſome lawful and judicial ſentence. For, though by the Canons under the firſt title ſchiſmatics be excommunicated *ipſo facto*, yet, as this excommunication has no effect at Common-Law without a declaratory ſentence pronounced by an Eccleſiaſtical Judge, ſo ſay the Civilians, the cenſure of the Canon, in excluding them from the Communion, is not to have effect till they be, after legal proceſs, excommunicated. Which opinion was given upon a very extraordinary occaſion, *viz.* in the caſe of the famous *Richard Baxter*, in the laſt century; than whom ſcarce any non-conformiſt in the kingdom was more obnoxious upon the footing of the *ipſo facto* excommunications; and yet he often communicated with the Church of *England*, and was permitted ſo to do upon this ſingle diſtinction, that, *not being legally declared excommunicate, he could not canonically be repelled from the Sacrament.*

THE ſame diſtinction, as I take it, holds equally good with reſpect to the *impugners of the* 39 *articles, and the King's ſovereign authority in cauſes eccleſiaſtical.* They are laid under this cenſure here as being excommunicated, *ipſo facto*, in the Canons under the firſt title; but, till a ſentence hath paſſed upon them, this diſcipline of repelling will not reach them.

As to what is ſaid, in the 28th Canon, *of ſtrangers not to be admitted to the Communion*, and *of remitting them home to their own pariſhes*, it ſeemeth now to have no longer any force in it, from the conſtant and univerſal cuſtom of mixed Communions: where none, by the practice of our Church, and allowance of our Governors, are ſo much as queſtioned, if there be no notorious or apparent reaſon to refuſe their Communion with us.

IF, indeed, any of them ſhould *refuſe to kneel at the Sacrament*, or to *be preſent at the public prayers*, the Canons are ſo expreſſly againſt their admittance as not to be over-ruled. But, if they reverently and decently comply with the uſage of the eſtabliſhed Church, and give no reaſon to apprehend they are actuated by any other motives than the deſire of performing a religious ſervice, there ſeems no reaſon to refuſe them. And, whatever obligation there might have been from the Canon heretofore to do ſo, it hath now ceaſed by a general conſent on all ſides.

IN a word, let it be remembered, of all theſe kind of perſons which are forbidden the Communion by the three Canons that I have been now ſpeaking to, that, as none of them are now enquired after, or preſented as delinquents; that, as we have no inſtance of ſuſpenſion, or even of admonition, of Miniſters by their Superiors for admitting them; that there yet remains great doubt in ſome of theſe

caſes

caſes what ſhall be judged acting in conformity to the Canon, and what not; that the cognizance of ſome of theſe offences ought not to be left wholly to the private judgement of the officiating Miniſter; and that he can hardly be ſafe and ſecure in what he doth, if he be bound to make proof of them in a court of judicature; I ſay, for theſe reaſons it hath been thought proper to let theſe Canons lie dormant till ſome juſt occaſion ſhall ariſe to move our Governors to revive them and reinforce the execution of them.

AND therefore, in the mean time, we plead a general tacit Diſpenſation for our not acting according to the letter of them.

THERE is but one Canon more remaining under this title, *viz.* the 29th, which prohibits any *to be admitted ſponſors at Baptiſm who have not themſelves received the Lord's Supper.* A Canon which I think allows of no Diſpenſation; and which is ſupported by ſo juſt and evident a reaſon, that I hope we are all careful to execute it to the beſt of our knowledge.

IF God give us another opportunity of meeting together, I ſhall proceed to examine, in like manner, the other Canons that follow.

VISI-

VISITATION-CHARGE, *Anno* 1741.

DISCOURSE VII.

Upon Titles and Teſtimonials.

Reverend Brethren,

THOUGH it is now two years * ſince I called you together, yet I preſume you have not forgot the ſubject I undertook to handle, as opportunity ſhould ſerve, upon theſe occaſions: *viz.* how far the Parochial Clergy are bound to obſerve the Canons according to the letter of them, and how far they may juſtly plead a Diſpenſation, in ſome caſes, for not doing ſo.

I WENT through the two firſt titles in my laſt diſcourſe, and proceed now to the third, *concerning Miniſters, their ordination, function, and charge.* And, as every thing almoſt that relates to us in the Canons is thrown under this title, it will take up much more time and conſideration than the former did; eſpecially if examined with ſome degree of accuracy, and application to the old Conſtitutions and Eccleſiaſtical Hiſtory of this nation.

* The Biſhop of *Durham* viſited in 1740.

INDEED,

INDEED, of the five firſt Canons of this claſs, which are about Ordination, there are three in which we have no concern at all as Pariſh-Miniſters.* And it is no part of my deſign to meddle with any of thoſe Canons which relate wholly to Eccleſiaſtics in other capacities, as theſe three do, *viz.* to Biſhops, their Archdeacons, and ſuch of their Chapters as are to be aſſiſtant to them in the Examination and Ordination of Miniſters. But, in the other two, that is, in the 33d and 34th Canons, the one reſpecting *the titles*, the other *the qualities*, of ſuch as are to be ordained, we have not only ſome concern, but indeed a very great one. Foraſmuch as two very material points reſt intirely upon the veracity and honour of the Parochial Clergy. The preſumption of whoſe integrity and ingenuous dealing, in giving titles and teſtimonials for Orders, is the foundation of their being concerned in the granting of either, and the Biſhop's authority for accepting and relying upon both. And therefore it is no wonder we ſee theſe two points ſingled out and re-inforced by the King's Injunctions in 1694, as things that deſerve a more eſpecial attention.

* Can. 31. intitled, Four ſolemn times appointed for the making of Miniſters. And, 32d, None to be made Deacon and Prieſt both in one day; and, 35th, Examination of ſuch as are to be made Miniſters.

THESE,

THESE, therefore, ſhall be my preſent ſubject. And I ſhall ſpeak to them diſtinctly.

As to titles, thoſe that are to be given by the beneficed Clergy come under that deſcription of a title, in the 33d Canon, which we have in theſe words: *A true and undoubted certificate, that the perſon, offering himſelf for Orders, is provided of ſome Church within the dioceſe, where he may attend the cure of ſouls.* The older Conſtitutions ſince the Reformation* have it *certum, verum, et indubitatum, certificatorium.*

Now, to make any queſtion whether we are bound to obſerve this Canon according to the letter, if we are bound by it at all, ſeems to me like making a queſtion whether we are bound to act honeſtly and uprightly. And, were it not ſpecified, in the royal Injunctions above mentioned, that care ſhould be taken theſe titles be always *real*, to prevent what we have all heard of, to be ſure, under the name of *ſham* titles, I ſhould hardly have troubled you with the mention of this particular: judging it, as I well might, too great an adventure for any of us to think of, to lift a man into the ſacred offices by a mere figment; or, for favour or friendſhip's ſake, impoſe upon our Dioceſan by an untrue certificate.

* Articuli pro Clero, 1584. And the Conſtitutions of 1597.

BUT,

BUT, it may be ſaid, and it may poſſibly ſometimes be the caſe, what if the Biſhop be previouſly acquainted that ſuch title to be given is not *real*, and yet doth, for ſpecial reaſons, think fit to allow and accept it only as a title in form? No doubt the caſe then is very much altered. It is altogether ſo in one reſpect, that the Biſhop is not deceived, and cannot be diſappointed in giving credit to what deſerves none. But, how far the caſe is altered in other reſpects is not ſo eaſily ſaid, unleſs one knew thoſe ſpecial reaſons which induce the Biſhop to this private tacit Diſpenſation. If he does not deſign thereby to diſcharge himſelf from the obligation he lies under, by this Canon, to provide for every perſon he ordains without aſcertaining a real maintenance,* I can ſee no end that ſuch a mock certificate can

* The words of the Canon are, *If any Biſhop ſhall admit any perſon into the Miniſtry that hath none of theſe titles, as is aforeſaid,* (of which the true and undoubted Certificate from a beneficed Clergyman is one,) *then he ſhall keep and maintain him with all things neceſſary till he do prefer him to ſome Eccleſiaſtical Living*, &c. This is the common law of the Church of which this Canon is only an aſſurance. And, not only a Biſhop, but even his executors, have been called upon to allow a maintenance to ſuch as he hath ordained without any title. Cod. page 162. Now, when a beneficed man gives the certificate aforeſaid which makes the title, he is ſuppoſed thereby to charge himſelf with the maintenance of the perſon to be ordained upon it: And therefore, generally ſpeaking, the maintenance is fixed and ſpecified in the ſaid certificate, in order to make it a canonical title, and put it upon the ſame footing with the other titles here mentioned.

anſwer. For, he might as well to the full ordain without any title, as with this, which is *properly none*, being, in this view, a mere huſk of a title, or the ſhadow of it, without the ſubſtance, of no weight or ſignificancy. But if, on the other hand, the Biſhop, knowing it not *real*, ſhould take it nevertheleſs in form as his own indemnity or ſecurity, then it may prove not altogether ſo *ſham* a thing as the giver of it may imagine. For, it may be *realized* whenever there ſhall be occaſion for ſo doing; * and it will paſs, in all the courts where it can be pleaded, if it comes there, as having been tendered and received for *a true and undoubted certificate*, ſuch as the Canons require; and will be as binding upon the man that gave it, in all reſpects, as if it had been originally *real* and unfeigned.

THE ſum of what I would ſay is this: No certificate of this kind, but what is given *bona fide*, can be the certificate required in this Canon. But, whereas the Biſhop may ordain without a title, ſubmitting to the condition conſequent upon his doing ſo, he may likewiſe diſpenſe as he pleaſes with the certificate, either in whole or in part, in matter or in form. Only be it remembered,

* That perſons *intitling* may be, and have been, called upon to p.ovide for a Clerk ordained upon their title, when he hath wanted a maintenance. See Cod. page 162; and Dr. Grey's Abridgement, p. 44.

that,

that, if it be in true form, it will have the true effect, to ſave one party harmleſs, and to bind the other as a ſecurity. And, therefore, though it cannot be ſaid of theſe mere formal titles, (for, I would diſtinguiſh them, by that name, from thoſe falſe ones which are at the ſame time impoſitions upon the Ordinary,) though it cannot be ſaid of theſe we are now ſpeaking of, that a Clergyman acts diſhoneſtly, or even unfairly, in giving them, yet it is another queſtion whether he acts diſcreetly in doing ſo, for the reaſons above ſuggeſted.

I SHALL add no more upon this head, but proceed to the other point in the 34th Canon, concerning *Letters Teſtimonial*, which is of much greater conſequence. For, a ſham teſtimonial of life and manners doth not only deceive the Biſhop, in a point of the niceſt concernment, both with regard to his office and his reputation, but does an injury to the Church itſelf, and affects the intereſts and credit of the Miniſtry at large. Here is no room to ſuggeſt the Biſhop's privity or connivance; or, could even *that* be ſuppoſed, it would no ways avail by way of excuſe. And, therefore, to atteſt worthy characters of unworthy perſons, in order to bring them into a ſituation where they may expoſe themſelves and their function, do public miſchief, and give open ſcandal, is deſtitute of any juſtifiable pretence; and I

wiſh I could add it were equally deſtitute of any precedent.

I MUST acknowledge that human reſpects, and ſollicitations of acquaintance, and other mere ſocial regards, are great temptations, with people of kind diſpoſitions, to too eaſy a compliance in granting this favour; and ſuch perſons may be ſometimes drawn in to the ſigning of teſtimonials, when their judgement doth not concur with their good-nature. I am loth to blame any friendly or neighbourly qualities, yet ſometimes they do deſerve blame, as in this caſe in particular; where they are the occaſions of a miſchief, which much better qualities cannot repair, or make ſufficient amends for.

I DO not mean, my brethren, to charge any of you with this miſconduct in what I now ſay. Or, if there have been heretofore any complaints of unwarineſs or precipitation in the ſigning of teſtimonials within this Archdeaconry, I am verily perſuaded there has been no ill intention or ſiniſter motive accompanying ſuch act. But, as I hope you will always permit me to offer ſuch friendly advice as I am capable of giving, and allow it a patient hearing, even when you may think it, in great meaſure, unneceſſary; ſo I would now, by your leave, inlarge a little upon this head, by ſhewing both what it is this Canon muſt be underſtood to require, and alſo of how great moment it is to

obſerve

obſerve it with a more than ordinary ſtrictneſs and care.

IT is commonly thought, if a teſtimonial be ſigned by three Clergymen, eſpecially if they be beneficed men, it is ſufficient. And it is ſo, on the Biſhop's preſumption, that the ends of the Canon are thereby fully anſwered. But, the Canon is not thus worded. The atteſtation directed there is to be made by three or four *græve Miniſters*; and I know not what *that epithet* means in this place, unleſs it be to diſtinguiſh and denote ſuch men as are proof againſt light and unſeaſonable compliances, too diſcreet to give teſtimonials without ſufficient aſſurance of what they ſign, and too honeſt to prevaricate in the leaſt in an act of ſo *ſolemn* a nature.

I CALL it *ſolemn*, not only from the effects and conſequences of ſuch certificates, but from the method of giving them required by the Canon, which is under their ſeals. A circumſtance, which, though not always inſiſted on, yet ſhews the weight that the Canon lays upon the bearing teſtimony for ſacred Orders under the ſtricteſt formalities.

YOU will ſee, in the *Articuli pro Clero, in* 1584, and again in *the Conſtitutions of* 1597, that all letters teſtimonial, except ſuch as were granted by the Univerſities, were to paſs under the ſeal *Alicujus juſtitiarii ad pacem dominæ reginæ aſſignati, una cum ſubſcriptione & teſtimonio aliorum proborum & fide*

fide dignorum hominum ejuſdem paræciæ, &c. Here the Clergy had no hand in theſe certificates. But, by the preſent Canons, the validity of the teſtimony, which before reſted *in* the juſtices of the peace, is now made to reſt upon *the Clergy, together with the ſubſcriptions of other credible perſons.* And, as a farther mark of the truſt repoſed in them alone, the Lay-ſubſcriptions appointed by the Canon are hardly ever inſiſted upon; but three or four beneficed Clergymen give a teſtimonial its whole weight and ſtrength. So that it hath all the value and effect, from paſſing through their hands only, that a whole college in the Univerſity can give to a teſtimonial of one of their own members.

Now I would recommend it to any one, who is about to charge himſelf with bearing this teſtimony, not to forget what kind of men he voluntarily takes upon him to perſonate; not merely men in Orders, or men legally poſſeſſed of benefices, but ſuch as, in the former Conſtitutions, are dignified and characterized by the following words, *Prudentes, graves, pii, probi, fide digni, & epiſcopo noti:* all which, except perhaps the laſt, are, in our preſent Canon, ſummed up in one word, *grave*; which, therefore, in this place, carries no ordinary acceptation.

AND, pray, what could induce the Convocation to take this truſt out of the hands of the King's juſtices, and place it in thoſe of the

the Miniſters? or what could ſatisfy the Biſhops in generally waving the Lay-ſubſcriptions, but a belief, or perſuaſion, that the Clergy would act with more care, concern, and attention, in this matter, would be more fearful of impoſing upon the Ordinary, more cautious in admitting men of ſuſpected characters into the Church, and every way more circumſpect and more delicate in the execution of this truſt, than other perſons could ordinarily be ſuppoſed to be? For, bating theſe preſumptions, I cannot conceive why a teſtimonial of life and good manners from Lay-hands ſhould not be, to the full, as authentic and ſufficient.

AND now you have the whole force of what I would repreſent upon this head, as incumbent upon us by virtue of this Conſtitution.

INDEED, by ſome later rules, a much greater ſtrictneſs hath been enjoined in this matter than the Canon itſelf doth ſeem to require. Among the King's injunctions in 1694, the 5th runs in theſe words: *That the part of the 34th Canon, which relates to the giving of certificates concerning the lives and manners of thoſe who are to be ordained, be ſtrictly looked to; and that the Biſhops lay it on the conſciences of the Clergy, that they ſign no certificates, unleſs, upon their own knowledge, they judge the perſons to be duly qualified.* This is pretty ſtrong; but yet the rule grounded

grounded upon it is ſtill ſtronger, as your will ſee in Archbiſhop *Wake*'s Provincial Letter, 1716: *That no Teſtimonials be admitted on any occaſion whatſoever, unleſs it be therein expreſſed for what particular end and deſign they are granted, nor unleſs it be declared, by thoſe who ſhall ſign them, that they have perſonally known the life and behaviour of the perſon for the time by them certified, and do believe, in their conſcience, that he is qualified for that order, office, or employment, to which he deſires to be admitted.* And, as if even this was not ſufficient, there hath been commonly added, (I know not by what authority,) that ſuch perſon is alſo well affected to his Majeſty and to the preſent conſtitution both in Church and State.

BUT now, as theſe are not properly explanations of the Canon, but rather ſuperſtructures upon it, they are not within my preſent queſtion. However, I cannot help making two or three reflections upon them.

FIRST, of what great importance the Governors of our Church have thought it to have this buſineſs of Teſtimonials religiouſly attended to.

2*dly*, THAT there have been juſt grounds of complaint or ſuſpicion, that it hath been too lightly and ſuperficially regarded by the Clergy.

THESE points I the rather mention, to juſtify my giving you in charge what I now do.

3*dly*,

3*dly*, THAT theſe rules, being given *ex abundanti*, or as improvements upon what the Canon requires, are a convincing proof that there is no room for any ſort of Diſpenſation for not doing what the Canon obliges us to.

BUT then, 4*thly*, I will not ſay whether the Biſhops may not, and ought not, in ſome caſes, to diſpenſe with our non-compliance with theſe new rules in the rigorous conſtruction and extent of them. To give it under my hand, that *I do believe in my conſcience that ſuch a perſon is qualified for the order* he propoſes to take upon him, and *alſo for the cure and truſt* to which he is appointed, is a very comprehenſive declaration, if expounded at large; and fitter rather to be made by the Clergy, who are aſſiſtants to the Biſhop in the examination of the candidates, than for one who certifies only for an apparent good life and converſation. Therefore I apprehend the word *qualified* ought to be limited to, and underſtood only of, the ſubject-matter of the Teſtimonial, which is a perſon's *moral behaviour*; and that all the other ſenſes of *qualified* are diſpenſed with, provided he that certifies doth not know of, or hath not reaſon to ſuſpect, any *diſqualifying objections* that lie againſt him.

THEN, again, as *to perſonally knowing his life and behaviour for the time certified*, it is a phraſe of ſuch doubtful and indeterminate latitude, that I am not ſo clear as I could

wiſh to be, how it ought to be interpreted. I may not have the ſame thoughts about the extent and certainty of this knowledge that my Ordinary hath. I may come ſhort of his meaning, or he may miſtake mine.

THE Canon ſpeaks, indeed, of *knowing the life and behaviour* of a man, but doth not ſpecify the means by which ſuch knowledge muſt be attained.

I OBSERVE, in the Preface to the office of Ordination, that the Biſhop is allowed *to know* any perſon to be *of virtuous converſation, and without crime, either by himſelf*, that is, perſonally, *or by ſufficient teſtimony*; and may ordain him upon a belief grounded ſolely upon Teſtimony. Indeed there is great reaſon it ſhould be ſo. Becauſe, it is almoſt incredible a Biſhop ſhould have perſonal knowledge of a man's immoralities, or be a competent judge, purely from his own obſervation, that any perſon ſtands clear of them. But, this reaſon has alſo ſome place with reſpect to the *perſonal knowledge* of the Clergy. I imagine they are better judges of a man's moral character, by report or enquiry among their neighbours, than by what they can be ſuppoſed to obſerve in their own perſons. For, any material defects in a man's conduct are not ſo likely to fall directly under their cognizance; though, at the ſame time, in this cenſorious world, they can hardly eſcape their ears. And therefore I

ſhould

ſhould eſteem this latter way, of coming at the knowledge of what they certify, to be oftentimes preferable to, but at all times equipollent with, the former. And, though it is highly proper and fitting, that they ſhould have *ſome perſonal knowledge* too of the man whoſe converſation they atteſt to confirm and correſpond with what they take upon report; yet it ſeems no more neceſſary that their acquaintance ſhould be intimate and familiar, or that they ſhould be *ocular witneſſes* of what they certify to render them *competent ones*, than that their Teſtimonial ſhould be infallible in order to render it unexceptionable.

BUT, do not take this in any ſenſe as a releaſe, or even a diſcouragement, from ſigning certificates for ſuch as want them and deſerve them. It is true, we are under no legal obligation to give them, for, it is a voluntary act. But yet the claim upon us is ſometimes ſo ſtrong as to become a debt, which we cannot with reaſon and juſtice refuſe to diſcharge. Nor is it a good plea to allege, that, as we may be deceived in our opinion of any candidate, and ſo become unwittingly inſtrumental to the admiſſion of a bad man into ſacred Orders, therefore it is better totally to decline all recommendations. This inference is not juſtly drawn; for, by the ſame rule, we muſt alſo exclude the likelieſt means of getting good men admitted

into the Miniſtry. Teſtimonials muſt be had, and from thoſe too who can beſt give them.

Now, though you cannot certify for a ſtranger, becauſe it muſt always be preſumed that what you atteſt comes ſome way within the compaſs of your knowledge; neither can you certify for one that you are apprized hath any ſtain upon his character; becauſe, you cannot do it without a ſecret reſervation or concealment of what, if known, would taint and ſpoil your Teſtimony; (and, in ſuch caſe, you will abundantly favour the perſon, that aſks your hand, by being quite paſſive and neuter in the matter;) yet, if your ſituation and acquaintances give you an opportunity of knowing, either by obſervation, or report from ſuch as you do uſually give credit to, that a man's converſation is in the main irreproachable; that he hath lived peaceably, ſoberly, and modeſtly, in your neighbourhood, without any untoward ſurmiſes that might render him obnoxious to the Biſhop; or which, if proved true, would be a bar to his admiſſion into orders; I ſay, in this caſe, you may not only very honeſtly and very ſafely, but you are bound to give him your ſuffrage, and to bear witneſs in his favour.

AND this is all, in my apprehenſion, that is required in the canonical Teſtimonial *de vitâ laudabili & morum integritate*, as the

Latin

Latin Canon runs; or, as it is defined in the 39th Canon, *de morum honeſtate vitâque probabili congruum teſtimonium.* And not that it is meant, in either place, that a perſon's converſation be ſo unblameable as to be without any apparent effect of human weakneſs or paſſion; or his character ſo unſullied and unblemiſhed as to carry no tincture of indiſcretion. No: Teſtimonials are to be taken and underſtood, as men themſelves are, with juſt and proper allowances; and, even under this view, they are no ſlight or trivial recommendations; eſpecially when they have retroſpect to three years paſt, as it is required they ſhould. He, that can ſuſtain a good report, for that time, among grave and ſerious perſons, with or near whom he hath lived, does both very well deſerve to have it given, and to be well eſteemed for it, when it is given. And ſuch an one is not to be diſappointed, upon unneceſſary ſcruples, of his neceſſary Credentials.

As to the particular forms of certifying, let every one judge for himſelf in the uſe of them. Fair and ingenuous dealing will always preſcribe its own form beſt. Which, though it may not be, in ſome caſes, *de meliore notâ*, though it may not carry the weight and authority of the preſcript form abovementioned; yet, if it will anſwer the plain end and deſign of the Canon, I am much miſtaken if it will not alſo ſatisfy the Ordinary;

dinary; who will but think it reaſonable to ſuffer a Teſtimonial to be let down to the level of the Canon, when it cannot, with juſtice, or without ſtraining, be made to riſe higher.

AND, laſtly, I am perſuaded, that, if the rules I have been offering, for the full diſcharge of the truſt repoſed in us by the Canons, were but duly kept to; neither would any perſon, who deſerves a good Teſtimonial, be at any difficulty in procuring one; neither would the Biſhops ever be deceived, or deprived of that *ſufficient Teſtimony*, upon which, both by the Canons, and the Rubric, and in good conſcience, they may confer Holy Orders.

I HAVE now run my uſual length; and ſo, with my beſt wiſhes, I diſmiſs you.

VISI-

VISITATION-CHARGE, *Anno* 1742.

DISCOURSE VIII.

Upon the ex animo *Subſcription, and the Oath againſt Simony.*

Reverend Bretheren,

IN the five firſt Canons of the third title, relating to *the Ordination of* Miniſters, I found only two points that concerned the Parochial Clergy, viz. *Titles and Teſtimonials for Orders*, which were the ſubject of my laſt Charge. And, proceeding now to the next five Canons under the ſame title, I likewiſe find only two points that fall within the compaſs of my ſcheme: one of them in *the thirty-ſixth Canon*, which requires our *ſubſcription to the three articles* therein ſpecified, and the other in *the fortieth*, which enjoins *the Oath againſt Simony*.

THERE is, I think, no doubt but this *Subſcription* muſt be made, and this *Oath* taken, according to the *letter*. And, as neither of them are, or can be, *diſpenſed with*, being always certified by the Ordinary as done and performed in every inſtrument of collation and inſtitution that he grants; and, as both

the

the Subſcription, and *the Oath*, and *the Certificates*, are to be repeated, *toties quoties*, upon every admiſſion of the ſame perſon to any new benefice; I ſay, for theſe reaſons, it might have been ſufficient to declare in general our *indiſpenſable obligation* to adhere to the ſtrict literal ſenſe of theſe Canons, had it not ſo happened, that there is room for ſome little diverſity in the interpretation of the *letter*, with reſpect to the words *ex animo* in the *Subſcription*, and the term *Simoniacal* in the *Oath*. Had a little difference of ſentiment in the uſe of words been found in any other part of the Canons, it had not been ſo material; but, as it happens here in the very *form* of a *Subſcription* and of an *Oath*, (which are very tender and delicate things,) it will well deſerve ſome attention and examination.

AND, firſt, as to the *ex animo* Subſcription. The clauſe in the 36th Canon, which introduceth the form of ſubſcribing, begins with theſe remarkable words, that, *for the avoiding of all ambiguities*, ſuch *particular form ſhall be uſed, and none other*. And yet ſo it is, the retaining the phraſe *ex animo*,* in our *Engliſh* Verſion of the Canon, either

* I, *N. N.* do willingly and *ex animo* ſubſcribe to theſe three articles above-mentioned, and to all things that are contained in them.

Ego, *N. N.* tribus his prefixis articulis, omnibuſque in eiſdem contentis, *lubens & ex animo ſubſcribo*.

is an argument that the tranſlators were not clear how that expreſſion ſhould be rendered; or, at leaſt, its being *not tranſlated*, as it ſeems capable of two ſenſes, leaves a doubt how it is to be preciſely underſtood.

I AM well aware, that the Subſcription, ſince the late *act*, requiring *all legal forms* whatſoever *to run in the Engliſh* tongue, is not now made, as it was before that act, in *Latin*; and that, for the ſame reaſon, likewiſe, it is neceſſary to tranſlate *ex animo*, in the *Engliſh* form given by the Canon, by ſome ſuch word as the Ordinary ſhall think it moſt proper to render it by; nor, indeed, can I tell you whether the Ordinaries are all agreed in any *one rendering* or not.

BUT, however, this does not much affect our preſent inquiry. For, the *Latin* Canon is the ſame that it was. And moſt of us here preſent have ſubſcribed in the *Latin* form before the change was made. And, were we to ſubſcribe again, it muſt ſtill be in the ſame ſenſe, and in the ſame perfect conſiſtency with the original * *Latin* form, in which *ex animo* yet ſtands, the ſubject of our preſent examination.

* The *Engliſh* Canons are, however, equally *authentic*, (as Biſhop *Burnet* obſerves of the *Engliſh* and *Latin Articles*, giving this reaſon, *that they were at the ſame time prepared in both Languages*.. End of his Pref. to his Exp.) From whence may be inferred, that, if any places in either be

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THE learned Biſhop *Burnet*, in his Introduction to the XXXIX articles, † makes uſe of this form of Subſcription as an argument, amongſt others, that the Clergy ſubſcribe the articles as their *Opinion*, and not merely as terms of Peace and Communion; judging that they do thereby expreſs their *ex animo* aſſent to, and belief of, every thing contained in them. But *another Expoſitor* of the Articles, of no mean character, tells us, in *his Introduction*, ‡ that *he is not well ſatisfied* with this reaſon

leſs clear and determinate, their ſenſe is to be fixed by the *more* clear and determinate ſenſe of the other: the ſame ſenſe being evidently intended in both. See Dr. *Waterland*'s Anſwer to an argument, in a like caſe, that ran thus: "By "an act in the 13th of *Eliz.* Subſcription was required to "the XXXIX Articles in *Engliſh*, and *not* in *Latin*: though "the *Latin* Articles *only* paſſed in the year 1562. What-"ever authentickneſs, therefore, the *Latin* Articles may have, "yet we are obliged to ſubſcribe the *Engliſh* Articles, and "*only* them." [Caſe of Subſcription to the XXXIX Articles conſidered, p. 7.] But, if we do not ſubſcribe to the *Latin* as well as the *Engliſh*, in what ſenſe do we ſubſcribe to the Articles of 1562, which are the Articles the act ſpecifies? — But ſee Dr. *W————d*. [Supplement to the Caſe of *Arian* Subſcription conſidered.]

† "The 36th Canon," ſays he, "is expreſs for the Clergy, "requiring them to ſubſcribe *willingly* and *ex animo*, and "acknowledge all and every article to be agreeable to the "word of God. Upon which Canon it is that the form of "the Subſcription runs in theſe words, which ſeem expreſsly "to declare a man's own opinion, and not a bare conſent to "an article of peace, or an engagement to ſilence and ſub-"miſſion." Introd. *Burn.* Exp. XXXIX. Art. p. 8.

‡ Dr. *William Nicholls*, in that note where he undertakes to explain *the meaning of Subſcription ex animo*. Comm. on the 16 firſt Articles, p. 4. Fol.

He

reaſon of the Biſhop's: and, though he does not deny that the Clergy ought to give all that aſſent which his Lordſhip contends for, yet he objects againſt this way of proving it; alleging,

FIRST, that this is not a Subſcription to the XXXIX articles, but only to the three articles mentioned in the Canon. *

SECONDLY, that the phraſe itſelf, as it is here uſed, doth not carry the ſenſe of opinion or belief. For, although, when it is joined to verbs, which are expreſſive of the ſenſe of the mind, as, *ex animo loqui*, † it imports real belief and perſuaſion; yet, when it is joined to verbs that are expreſſive only of the *will*, or the *affections* of the heart, as, *ex animo velle*, ‡ *ex animo amare*, ‖ and the like; or where it is uſed with verbs of *action*, as, *ex animo facere*; * * there it means no more

He ſays, this is proper to be explained, becauſe "the miſ-"underſtanding of this expreſſion [*ex animo*] in the Subſcrip-"tion Form may occaſion ſome unreaſonable ſcruples in con-"ſcientious men, and keep ſome of the beſt men from enter-"ing into Holy Orders." Ibid.

* "Which," he ſays, "are not ſo much articles of *opinion* "as of *conſent*. And the Subſcription to them declares, not "what the ſubſcriber *believes*, but what he readily *conſents* to." Ibid. Theſe uſes of the phraſe he confirms by the beſt authorities.

† Equidem *dicam ex animo* quod ſentio. Tuſc. Q. And ſo *ex animo credere*. Cic. ad Att. —— ibid.

‡ Tibi bene *ex animo* volo. Terent. Heaut.

‖ *Ex animo* commendare. Cic. ad Att. — ibid.

* * Ille quem beneficio conjungis *ex animo facit*. Ter. Adelph.——ibid.

than *chearfully* or *heartily*. So that *lubens & ex animo ſubſcribo*, in the form preſcribed by the Canon, means no more than this, *I do willingly and readily ſubſcribe*.*

THIRDLY, he obſerves, that it cannot, in any other ſenſe but this of *readily*, be applied to that part of the three articles which relates to conformity.† For, when I ſubſcribe, *ex animo*, to the uſe of the eſtabliſhed Liturgy, I muſt mean, that I do readily conſent to conform myſelf to it, or to make it the rule of my practice. But I am not ſuppoſed, in that act of ſubſcription, to deliver my particular judgement concerning any part of it, farther than that I do *ſo* admit the whole *as* to reſolve to be governed by it in all my miniſtrations.

Now, though I cannot but allow theſe diſtinctions to be juſt and right in the main, yet I much ſuſpect, that they are not well applied in this place. Nor do I ſee any real difference they make in the concluſion, or the inference, that the Biſhop of *Sarum* draws from this ſubſcription.

* "So that, by the ſame analogy," ſays he, "the words "*willingly* and *ex animo* being joined together, *ex animo* "muſt, in this form of ſubſcription, ſignify *readily*." Ibid.

† "When the ſubſcriber," ſays he, "by the ſecond arti- "cle, promiſes that *he will uſe the book of Common-Prayer*, "how can he be ſaid to ſubſcribe to this as his opinion? He "ſubſcribes to this clauſe, *ex animo*, becauſe he heartily con- "ſents to uſe this book." *Ibid.*

FOR,

FOR, firſt, though it be only a *formal* ſubſcription to the three articles expreſſed in the Canon, yet it is virtually a ſubſcription to the thirty-nine. Foraſmuch as one of theſe three imports *our allowance and acknowledgement of all and every of the Thirty-nine Articles to be agreeable to the word of God.* So that, whoſoever ſubſcribes to this *allowance* and *acknowledgement*, doth in effect proteſt his real belief, or his very perſuaſion, that they are ſo.

PRAY what is the meaning of our ſubſcription to the firſt of theſe three articles about the *King's ſupremacy*, where it is neither ſaid that we *allow* it, or *acknowledge* it? Doth not the very act of ſubſcribing nevertheleſs imply as much? and ſomething more, *viz.* that we *allow* and *acknowledge* it upon a judgement, reaſonably, as we think, and impartially formed? We ſhall make the ſubſcription, I fear, a very evaſive and jeſuitical buſineſs, if we ſuppoſe it can be made without a well-grounded conviction of the truth of what is ſubſcribed.*

AND then, ſecondly, as to the phraſe *ex animo*; though it may ſignify no more than *readily*, when applied to ſubſcribing, conſi-

* The Church of *England* requires ſubſcription not to *words*, but *things*.—Subſcribers obliged to a ſerious belief of what they ſubſcribe to, *&c.* See *Caſe of* Arian *Subſcription conſidered*, p. 67. and the whole third chapter there, *viz.* that the ſenſe of the compilers and impoſers, when known, is to be religiouſly obſerved. *Ibid.* 11, 12, 13, 14.

dered

dered merely as a voluntary act, as, the ſigning of a deed or inſtrument, ſubſcribing to ſome charitable contribution, or the like; yet, where it is conſidered as an expreſſion and *teſt* of a man's ſentiments and tenets, as it always is when ſubſcription is required to points of faith and doctrine as a term of acceptance of truſts and privileges; there it is evidently declarative of the ſubſcriber's opinion. And *ex animo*, as joined with *ſubſcribere*, ſo far as they relate to the XXXIX Articles, are conſtructionally the ſame with,* or tantamount to, *ex animo comprobare* et *agnoſcere*, &c. which are the words to which the ſubſcription is made. And then the phraſe cannot be miſtaken; and ſuch words, in our language, as are moſt expreſſive of a ſerious belief or conviction, as *truly* and *ſincerely allowing* and *acknowledging*, will come more fully up to the meaning of the ſubſcription than the word *readily*, notwithſtanding its literal correſpondence with *willingly*, which goes juſt before it.

AND then, thirdly, as to the laſt objection, that *ex animo* cannot be conſtrued of opinion or perſuaſion, with reſpect to the promiſe of miniſterial conformity; it is true,

* "In the caſe of the Articles, every ſubſcriber declares, "*ex animo*, that they are agreeable to the word of God. In "conſequence of this, I do not ſee how a man can ſubſcribe "them, who does not believe them in every reſpect true."
Caſe of Subſcription to XXXIX Art. p. 45.

with

with regard to practice, it expreſſeth only *readineſs* or *reſolution*. But muſt it therefore be ſo limited as to mean nothing more with reſpect to doctrines and ſpeculative propoſitions? Why may it not have a two-fold aſpect, according to the reſpective ſubjects to which it is applied, and ſignify the *ſincerity* of a ſubſcriber's *aſſent*, with regard to doctrinal points; and the *ſincerity* of his *purpoſe*, with regard to practical conformity? In ſhort, *lubens* itſelf hath, in this place, the ſame double acceptation; and implies, ſo far as it relates to the doctrines, ſuch a *willing aſſent* as leaves no room to ſuſpect *difficulty*, *doubt*, or *heſitation*, in the mind of the ſubſcriber. And the ſame may be ſaid of any other word, which hath been ſubſtituted in the place of *ex animo*, in the *Engliſh* ſubſcription, ſince the late act of Parliament to baniſh *Latin* phraſes out of legal forms.

FROM theſe obſervations, therefore, I gather, that neither hath Biſhop *Burnet* miſrepreſented the force and obligation of this ſubſcription, neither are there any other ways to evade it, but what might equally ſerve to invalidate the other engagements we are under to declare our ſentiments of the ſame matters which are contained in theſe three articles.

I SHALL now proceed, in the next place, to conſider the word *Simoniacal** in the 40th

* I, *N. N.* do ſwear, that I have made no *Simoniacal* payment, contract, or promiſe, directly or indirectly, by myſelf or by any other, to my knowledge or with my conſent, *&c.*

Canon;

Canon; which, as I before obſerved, may ſeem to admit of ſome diverſity of interpretation. And this ariſes chiefly from ſome diſtinctions, which have been made in Common Law ſince the ſtatute againſt Simony in the 31ſt *Eliz.* Whereby the term *Simoniacal* becomes capable of being underſtood, either in a *legal ſenſe*, as it reſpects only what is adjudged Simony in the temporal courts by virtue of the ſaid act; or in a *canonical ſenſe*, as it reſpects what was called Simony in the old eccleſiaſtical Conſtitutions, or held for ſuch in the notions of the Catholic Church.

THE preſent queſtion therefore is, in which of theſe ſenſes the Oath is to be taken: or whether *Simoniacal* Contract ſhall be interpreted by the definitions of Simony given by the Canoniſts, or according to the preſent conſtruction of the common lawyers.

IT has been alleged, for the former opinion, that the Oath was before the ſtatute,* and ſhould not therefore be limited to it, but ought to be interpreted by the eccleſiaſtical Law, as received here, and which is yet in force in all caſes where it is not contrary to ſtatute. That, in this caſe, the ſtatute † hath not abrogated the Eccleſiaſtical

* See *Stillingfleet*'s *Diſc. of Bonds of Reſig.* p. 721.

† See *ibid.* p. 720. and *Codex*, p. 840. This act is not *privative* of the juriſdiction of the Church or its Conſtitutions, but *accumulative*. Wake's *Viſitation-Charge*, p. 40.

Law

Law about Simony, but rather comes in aid and ſupport of it, by annexing ſome particular penalties to ſome more flagrant acts of Simony. That, as, in the ſtatute, the crime itſelf is neither defined, nor the bounds and nature of it determined,* we muſt have recourſe for an interpretation to thoſe Laws and Conſtitutions by which it is ſufficiently ſet forth and characterized.

ON the other ſide, we are told, that the ſtatute has defined what Simony is, † and that the old canonical notion of it is thereby ſuperſeded. That the Judges, who are the expoſitors of our Laws, have, from time to time, determined from this ſtatute what contracts are ſimoniacal, and what not. And therefore the Oath hath relation to the ſtatute, ‡

* *Stillingfleet*'s *Diſc. of Bonds of Reſign.* p. 720.

Simony, or Simoniacal Contract, not ſo much as mentioned in the Statute. *Ibid.* p. 721, 718. He is charged by *Nelſon* (Rights, p. 571.) for ſaying this; but, he muſt only mean that, although *Simony* be in the preamble to a clauſe in the ſtatute, yet it is not in the enacting part. The ſame account is given, by Biſhop *Gibſon*, of a like aſſertion of *Noy*'s, *that in the* 31 Eliz. *there is no word of Simony.* Cod. 839.

† *Nelſon* (Rights, p. 571.) "admits the Canon-Law to "have been the rule for determining Simony *before the ma-* "*king of this ſtatute*; for it was then," ſays he, "a mere "ſpiritual offence, of which the Common-Law took no notice "in the abſtracted notion and ſenſe of the word."—"But, "the word *Simony* is not only mentioned in the ſtatute, but "it is there explained what is meant by it, *viz.* that it is *a* "*corruption in Preſentations, Collations, and Donations, of and* "*to Beneſices.*"

‡ And again, p. 579, having recited the oath againſt Simony, he adds immediately,

"The

and ought to be limited by it, and by thoſe rules of judging about Simoniacal Contracts, which the interpreters of the temporal laws have followed.

THERE had been no place, or handle, for theſe ſuggeſtions, with reſpect to the Oath, if the form of it had been abſolute, as I conceive it formerly was, againſt all payments, contracts, or promiſes, whatſoever.* But, as theſe

" The late Biſhop of *Worceſter* was of opinion, that this " Oath *hath no relation* to the ſtatute 31 *Eliz.* becauſe it " was in being before that act was made; and, therefore, " that a Simoniacal Contract ought to be interpreted by the " Eccleſiaſtical Law. This deſerves no other anſwer than " what he hath given himſelf in another place, *that, if the* " *word* Simony *had been in the ſtatute, the Judges might inter-* " *pret what it was. For, they are the expoſitors of our laws.* " And, ſince it is plainly to be ſeen in that act, therefore the " courts at *Weſtminſter* may determine what Simony is, and " what contracts will amount to it."

* The accounts of the Oath given in our *Engliſh* Conſtitutions are as follow. *Cod.* 845. Ann. 1138.—— *Juret ſe nihil* propter hoc, vel per ſe vel per aliquam aliam perſonam, *dediſſe* alicui vel *promiſſiſſe.*

An. 1222. In the Council of *Oxford*, the Oath is, Quod propter præſentationem illam nec *promiſerit* nec *dederit* aliquid præſentanti, nec *aliquam* propter hoc *inierit pactionem.*

An. 1236. In a Conſtitution of St. *Edmund*, Præſentantis & præſentanti recipimus *juramentum* quod nec *promiſſio* nec *pactio illicita* intervenerit.

An. 1391. In Archbiſhop *Courtney*'s Decree, the Oath preſcribed is, quod nec *dederunt* nec *promiſerunt*, &c. nec *aliquem illicitum contractum factum* vel *promiſſum* ſunt ſortiti.

To the ſame effect is the *forma juramenti Miniſtrorum* in the Reformatio Legum *Edw.* VI. which is nearly the ſame with that in our preſent Canon, ſave that the word *Simoniacal* is not uſed therein.

From theſe obſervations, Biſhop *Gibſon* collects that the preſent oath is *againſt all promiſes whatſoever*; and that, although a perſon

theſe payments, contracts, and promiſes ſtand limited, in the preſent form, by the word *Simoniacal*; and, as the form is enjoined by a Canon made ſince the aforeſaid ſtatute againſt Simony, an opportunity is given to lay hold on the pretence above-mentioned, that the payments, contracts, and promiſes, in the oath, need not be conſtructed of any but ſuch as come within the 31 *Eliz.*

WHAT I have to ſay, upon this matter, will lie in a little compaſs.

THERE is a rule, laid down by the Civilians, for the interpretation of all words that are not of common uſage, or vulgar cognizance, which is this, as given by *Grotius:* * *In artium vocabulis, quæ populus vix capit, adhibenda erit artis cujuſque prudentum definitio: ut quid ſit majeſtas, quid parricidium, &c.* Now *Simony* is one of theſe technical words, or terms peculiar to ſome ſcience or profeſſion. And, if we enquire to which it properly belongs, it will claim its place among the Eccleſiaſtical terms denoting ſpiritual

a perſon comes not within the ſtatute 31 *Eliz.* yet he becomes guilty of perjury, if he takes this Oath *after any promiſe of what kind ſoever.*

* De Jure Belli, *&c.* lib. 2. c. 16. ſect. 3. He had before diſtinguiſhed between *proprietas grammatica* verborum, quæ ex origine, & quæ *popularis* ex uſu. But, Simony is neither to be underſtood in its original proper grammatical meaning, nor in any fixed or known acceptation that it has in common language; and therefore muſt belong to the next rule given above,

offences; and will demand its interpretation from the Canoniſts, or *Juriſ-prudentes* in the ſpiritual courts, juſt as *treaſon* and *burglary*, being crimes of civil cognizance, muſt receive their forenſic interpretation from the temporal Judges, or *Juriſ-prudentes* in *Weſtminſter-Hall.* Upon this footing, the ſtanding definitions of Simony, * given by the Canoniſts, are of better authority, for its true acceptation in the Oath, than any late occaſional and partial deſcriptions of it made by induction from the wording of a particular ſtatute-law.

BUT, whereas it is not denied but there is a *fixed* and *determinate ſenſe* of it in the temporal courts, as well as in the ſpiritual, we muſt have recourſe to another rule for aſcertaining *the ſenſe* of it in the Oath. And that is a ſettled rule among the Caſuiſts, *viz. that Oaths are always to be taken in the ſenſe of the impoſers.*† Which, in this caſe, is ſo well

* Simonia eſt ſpiritualium vel ſpiritualibus annexorum præcedente pacto promiſſionis, conditionis, modi, ſervitii, vel cujuſlibet temporalitatis, *receptio* ſeu *donatio.* Joh. de Athor.

Spiritualium & eccleſiaſticarum functionum officiorum, promotionum, dignitatum, & beneficiorum nundinatio. Can. 1603.

† "Perjuri ſunt qui ſervatis verbis expectationem eorum "quibus juratum eſt deceperunt." *Auguſtinus Ep.* 224. ——— Iſtiuſmodi juramenta regulariter intelligi debent in *eo ſenſu* quem probabiliter judicari poteſt *fuiſſe ab eo, cui juretur, intentum.* ——— Verba intelliguntur *ſecundum mentem & intentionem ejus, cui fit juramentum*, ait Juriſconſultus. *Sanderſon de Jur. Prom. Ob. Pr.* 6. *ſect.* 9.

known,

known, that it will ſcarce admit of any doubt. For, it is to be generally preſumed, that all they, who adminiſter the Oath at preſent, do intend it in the *ſame Eccleſiaſtical Senſe* which it hath always borne, unleſs they ſhould declare otherwiſe, which they have never yet done. Or, if there ſhould be any doubts about their ſentiments, yet they may be eaſily known by the juror, if he pleaſes; and with ſuch certainty, too, as to leave him under no difficulty as to their ſenſe of the matter.

LET us try, for example, how the Oath would run, if it was to be underſtood only of *ſuch Simoniacal Contracts* as are called ſo in the temporal courts. *I do ſwear, that I have made no promiſe or contract whatſoever, in ſuch manner or form as ſhall render me or my patron liable to the penalties and forfeitures of the ſtatute againſt Simoniacal Contracts, as that ſtatute is now interpreted in the temporal courts.* This is the whole amount of the Oath, if it be conſtrued in the common-law ſenſe of *Simoniacal.* And any perſon, who hath given bond of reſignation at pleaſure or upon notice, without ſpecial averment that the bond was for Simoniacal Purpoſes, might lawfully and truly take the Oath thus worded. But, would this anſwer the Canon, the deſign of which (as appears from the *Latin* title) is *avertere jurejurando ſuſpicionem Simoniæ?* or ſatisfy the Ordinary, who is to

to certify *de juramento Simoniacæ pravitatis nullatenus commiſſæ*; (I know not how they render this in inſtitutions and collations now-a-days;) I ſay, would it not appear to defeat the chief and original deſign of the Oath, conſidered as an Eccleſiaſtical ſecurity againſt all clandeſtine and diſhonourable ſtipulations * whatſoever, or howſoever made, which might either hurt the rights of the Clergy,† or be any ways inconſiſtent with that freedom and diſintereſt, which ought always to be uſed in giving and taking Church-Benefices?

THERE are what have been called, by way of diſtinction, *conventional* Simonies and *confidential* Simonies, ‡ to which the Oath extends, though the ſtatute does not; and, it ſeems one of the principal intentions of the Oath to try, and detect, and prevent, by way of *purgation*, all thoſe little private, evaſive, and colluſive ways of practiſing corruptly for preſentations, which no law can remedy for want of legal proof.

TAKE

* Contracts have been judged ſimoniacal, *quacunque factione, calliditate,* promiſſione ſeu commoditate, *&c.* See Cod. p. 845. According to Canon-Law.

† See Biſhop *Stilling fleet*'s Diſc. of Bonds of Reſignation, p. 722.

‡ Mental Simony, which is defined, *voluntas ſive deſiderium emendi vel vendendi ſpiritualia, vel ſpiritualibus adhærentia,* reacheth not to the oath, and ſo is out of the preſent queſtion. Still. *ibid.* 721. *Nelſon*'s *Rights,* 571. But *confidential Simo-*

ny

TAKE the Oath, then, in this light, as *abſolute*, and reaching to all illicit caſes whatſoever, and onerating the conſcience in ſuch points as are no ways affected by the ſtatute, it will ſeem highly unreaſonable to transfer the notion of *Simoniacal* from the ſtatute to the Oath; and to expound the term where it ſtands (and is underſtood by the impoſers of it to ſtand) *general* and *unlimited*, by a particular and reſtrained uſe of it adapted purely to the conſtruction of a ſingle penal law.

THE mention I juſt now made of the Oath, conſidered as a purgation, brings to mind a query, put by the author of the *Complete Incumbent*, * Whether, ſince the prohibition of the Oath *ex officio*, and other purgation Oaths in criminal matters by the ſtatute 13 *Car.* II. c. 12. the Oath againſt Simony may or ought to be adminiſtered in any caſe.

AND, I muſt own, the clauſe referred to in this act ſeems much ſtronger againſt *the uſe*

ny is where a perſon, taking a benefice only in truſt, enters into a bond of obligation to reſign. See Still. *ibid.* 736. and *Nelſon's Rights*, p. 132.

* Having recited the Oath at length, p. 108, he adds, "But, as the Law now ſtands, I conceive the Ordinary "ought not, and may not, tender or adminiſter the *ſaid* or "the like Oath, by reaſon that it hath been enacted," *&c.* ——— After the clauſe in the act, he goes on, "and yet, "probably, although the words of this ſtatute ſeem to take "away the uſe of the *aforeſaid Oath*, its makers had no "conſideration of it in paſſing thereof; *therefore quære.*" Complete Incumbent, p. 109.

of

of the Oath itſelf than any thing in the 31ſt of *Eliz.* is againſt the old acceptation of the word *Simoniacal.* Dr. *Watſon* is willing to ſolve the matter, by ſuppoſing, that the Legiſlature, in paſſing this clauſe, had no intention to aboliſh the Oath required in this Canon. The like has been obſerved, and has been pleaded, that the Legiſlature, in the 31ſt *Eliz.** had no conſideration, or deſign, in paſſing thereof, to deprive the Church of its juriſdiction, or to change the idea of Simony. Theſe obſervations are of ſuch equal weight, that I think the quere may be indifferently put upon either caſe. But, as the Ordinaries have never yet ſlackened their hands in the tender of the Oath, on account of the act prohibiting Purgation-Oaths; which ſhews their ſentiment, that the Oath againſt Simony is not within *that act*; ſo neither doth it appear, that they have departed from the eccleſiaſtical and received ſenſe of Simoniacal Contract on account of the 31ſt *Eliz.*†

* "They, who would allow nothing to be Simony but "what is there forbidden, muſt firſt prove that it was the *in-*"*tention* of the law to limit and determine the nature of Si-"mony." *Still. Diſc. upon Bonds of Reſig.* p. 718. and again, 720.

"There is in this very ſtatute a ſpecial ſaving to the Ec-"cleſiaſtical Juriſdiction." *Gibſon*'s Cod. 840. "It leaves "the Church all the authority it had before."

Wake's *Viſitation-Charge*, p. 40.

† "So long as our Superiors continue the ſame forms, "which clearly expreſs *ſuch a ſenſe*, they muſt be preſumed "*to intend the ſame ſenſe*, till they declare otherwiſe, *&c.*"

Waterland's Caſe of *Arian* Subſcription conſidered, p. 44.

And

And the Clergy to whom it is tendered have juſt as good a plea not to take it at all as not to take it in the ſenſe in which it is commonly underſtood by thoſe who tender it. And, if their ſenſe be a good and ſafe rule to guide ourſelves by, it will bring this point to an eaſy and ſpeedy deciſion. Which is, that Simony, quatenus *vox Eccleſiaſtica*, (as even ſome of the Judges in *Weſtminſter* have called it,*) and as the ſubject of a Canonical Oath, muſt ſtand upon its old baſis of Canon-Law definitions.

I DO not mean hereby, that it ſhould be extended, in the Oath, to whatever hath been heretofore reputed Simony by every rigorous interpreter of the Canon-Law. So much uſe may be made of the inſertion of the word *Simoniacale* in the Oath, that every promiſe, or contract, ſimply conſidered, is not deſigned to be abjured, but only every ſpecies of *turpis commercii*, † & *illicitæ pactionis*. For, I imagine the Oath may be ſafely taken by all thoſe who cannot charge themſelves with any ſiniſter or corrupt intention, though they may enter into ſome ſtipulations and covenants, which are no where forbidden by any eccleſiaſtical Conſtitutions received within this Realm. Thus, a promiſe to reſign for

* *Nelſon's Rights*, p. 571.

† Ib. 570. *Still.* Diſc. upon Bonds, *&c.* Quilibet contractus ex turpi cauſâ. *Nelſon*, ibid. 571.

the uſe of a minor, or any other perſon at preſent diſqualified for a preſentation,* or a promiſe to reſign upon taking another benefice, or upon non-reſidence, can have no hurt in them; and, though they be the means perhaps of procuring a benefice, or at leaſt be a neceſſary condition of obtaining it, yet have no more of the ſimoniacal obliquity or pravity than the promiſing to do one's duty would have, if it were inſiſted upon, by the Patron from the Clerk.

WHATEVER weight, therefore, ſome may have laid upon the idea of bargain and contract, even in unblameable ſtipulations, yet, while men act with truth and honour, without infringement of any known laws, now in force within this Realm, or without prejudice either to public or private intereſts, it is trifling to ſtick upon words and diſtinctions.

INDEED, where theſe promiſes, that I have juſt now mentioned, come to be engagements ſecured by pecuniary mulcts, as giving a bond † to reſign for a minor, or upon acceptance

* Biſhop *Stilling fleet* himſelf allows, upon putting the caſe of a minor, that *there may be a lawful truſt*: p. 736. And, if no queſtion is to be made of it in this caſe, neither ſhould it be doubted in any other, where the truſt is equally unexceptionable.

† Mr. *Nelſon*, under the article of Bonds of Reſignation, ſays, "The Biſhop of *Worceſter* himſelf, who argues againſt "the validity of ſuch bonds, allows that there may be *a* "*lawful*

ceptance of another living, *&c.* The caſe then is not the ſame. The nature of the ſecurity is changed. It is no longer a truſt, but a bargain. A covenant, backed with a certain forfeiture, argues a miſtruſt. A bond, be the condition of it never ſo lawful, cannot be given *ſine pretii interventu.* For, the plain *Engliſh* of it is, *Reſign or pay*; you ſhall *quit*, *or* you ſhall *purchaſe.* And this is the diſjunctive that lies ſo heavy on the Clerk; who, as he cannot be ſure that his reſignation ſhall be accepted by the Ordinary, cannot in conſequence be ſure but his bond may be ſued out againſt him.* He may *deſign*, but cannot *warrant* the diſcharge of his covenant, conſidered as a truſt; but he nevertheleſs binds himſelf faſt to the diſcharge of

" *lawful truſt* in ſuch caſe for a minor; but, if the perſon " enters into a bond to reſign, then he calls it *conſidential Si-* " *mony.*" He adds, " I wiſh he had told us, that, ſince there " can be *ſuch a truſt*, what *legal obligation* there could be to " compel the performance of it, when the minor comes of " age; and how that truſt ſhall be executed, if the parſon " ſhall refuſe to reſign." Whereas it is *a lawful truſt* in this caſe on this very account, that there is *no legal*, but *only conſcientious*, *obligation* to reſign. And, if the Parſon *refuſe*, he breaks his word, and deceives his patron; and muſt anſwer to God for violating his faith.

* " A benefice with cure cannot be void by the ſole act of " one party, by reſignation, without the acceptance of the " Biſhop; becauſe he is to give notice to the patron, that " he may preſent again. *But, if he refuſes to accept it, then,* " *notwithſtanding the reſignation, the incumbent continues ſo ſtill.*" *Nelſon*'s *Rights*, p. 134. And, it is for this reaſon given in advice to Biſhops, in order to put a check upon the granting

it in that other way which neceſſarily carries the conſtruction of Simony, by ſubjecting himſelf to a pecuniary payment, which yet, by the tenor of his Oath, he is bound never to ſatisfy.

I CANNOT ſay, indeed, where a Biſhop is privy and conſenting to the grant of ſuch bond, in ſome ſpecial caſe, as that of a minor, but the preſentee's part is the leſs blameable. For, the Biſhop's allowance (ſuppoſing ſuch a caſe) not only implies that he will accept the reſignation when tendered, but is a reaſonable ſecurity that his ſucceſſor, for the ſame ſpecial reaſons, will do ſo too. I ſay, on this ſuppoſition, I would not charge the preſentee with any criminal uſage of the Oath: for, both he in taking it, and the Ordinary in adminiſtering it, agree in the ſame preciſe ſenſe of *ſimoniacal*; and all colluſion, all corruption, is by both equally intended to be abjured. And I believe ſome, who have been the moſt ſtrenuous oppoſers of bonds of reſignation, have been willing to admit of ſome exceptions under the reſtrictions I have been ſpeaking of.

BUT, wherever the bond is clandeſtine between Patron and Clerk, where it is ſtu-

granting of ſuch bonds of reſignation as prove a ſcandal to the Church, "that they would *refuſe* to *admit or accept any* "*reſignations* (without which the incumbent cannot void the "benefice in that way) but after the ſtricteſt enquiry, and "fulleſt ſatisfaction, concerning the motives and reaſon upon "which they were made." Cod. 843.

diouſly

diouſly concealed from the Ordinary, the Oath will be very hard to be digeſted. And more eſpecially in all caſes of general bonds to reſign upon due notice; for, what is the reaſon that theſe are thus concealed, but only becauſe they will not ſtand the Ordinary's examination and cenſure; nor the teſt of the Oath, when he, who is to tender it, is previouſly apprized of the ſecret of the buſineſs?

THE ſum of what I have been ſaying is this, that, however *conſiſtent* it may be with the ſtatute againſt Simony to give bonds of reſignation in ſome caſes; and however colourable the pretence be of interpreting *Simoniacal* in the Oath by its ſtatutable *conſtruction*; yet, unleſs both *the practice* and *the conſtruction were generally allowed by thoſe to whom the Oath is taken*, they will not be ſufficient to ſalve the juror. The preſentee, therefore, muſt have regard to the Ordinary's meaning as well as to his own; and he has no more right to claim the Ordinary's concurrent ſenſe of the Oath, to juſtify his own, than he has to command his acceptance of the reſignation to ſave his forfeiture. And therefore he ought not to preſume upon either of them arbitrarily. And, where the fact is not explained, (as, in the grant of general bonds, I fear, it never is,) the Oath is always to be preſumed to run in the canonical conſtruction of Simony. Therefore he, who grants a bond upon one conſtruction of

of what is or is *not Simony*, and then takes an Oath calculated upon another conſtruction of what is or is *not Simony*, does not only deceive his Ordinary by an artful and fraudulent uſe of an ambiguous term, but he really proſtitutes the ſolemnity and religion of an Oath. And, without enquiring whether his private contract with, or bond to, his patron be ſtrictly *ſimoniacal* or not, yet I think he cannot eſcape the imputation of *ſimoniacally** prevaricating with the Ordinary; that is to ſay, there is iniquity, in ſuch a caſe, in taking the Oath, whether there was any in making the bargain or not. And, I believe, even the common lawyers, who will defend the one, will highly blame the other. †

IT doth not fall within the compaſs of my deſign to conſider the caſe of bonds of reſignation in any other light than with re-

* I mean the word here only as expreſſing a corrupt intention, and a diſingenuous proceeding, in order to get poſſeſſion of a benefice. Dr. *Waterland* has put the ſame thing in a ſtrong light with reſpect to Subſcriptions: — "To change "*propoſitions*," ſays he, "while we are plighting our faith to "*them*, for others, is manifeſtly a breach of covenant, and "prevaricating with God and man. It is *pretending* one "thing, and *meaning* another. It is profeſſing *agreement* with "the Church, and at the ſame time *diſagreeing* with it. It is "coming into truſts or privileges upon quite *different terms* "from what the Church *intended*. And is, as one expreſſes "it, not entering in *by the door of the ſheepfold*, but getting "over it, as *thieves* and *robbers*." Caſe of *Arian* Subſcrip. p. 12.

† *Nelſon*'s *Rights*, p. 134. The Oath is *a matter which he will not controvert*. And he had good reaſon to let it alone.

ſpect

ſpect to the Oath enjoined in the 40th Canon. Otherwiſe much might be ſaid of their evil tendency and hurtful conſequences, * as they are means of betraying the legal rights of the Clergy, and altering the nature of the tenure of Church-benefices. But I ſhall remit you, for theſe points, to Biſhop *Gibſon*'s notes in the chapter of his Codex intitled *Simoniacal Preſentation*, and to a diſcourſe profeſſedly written upon the ſubject of reſignation-bonds by Biſhop *Stillingfleet*. And, if you would have the ſentiments and judgement of the *Engliſh* Clergy, ſynodically given, and more largely and expreſſly than in the Canon I have been ſpeaking to, pleaſe to peruſe that admirable clauſe upon this ſubject, which is at the head of the chapter intitled *Patroni & Proprietarii*, in the Canons of 1571. †

* The Author of the Complete Incumbent makes this juſt obſervation: "The judgements," (in Common Law,) "that to take and give a bond to reſign is not Simony, have "occaſioned many corrupt patrons to exact ſuch bonds of "their Clerks, only that they might thereby make ſure (as "they think) to themſelves a recompence for their preſent-"ments. And ſome *inconſiderate Clerks*, that have given "ſuch bonds, have been *emboldened thereby to take the Oath "againſt Simony, to the utter fruſtrating that moſt religious "law againſt ſuch corruptions.*" P. 24.

† The ſaid clauſe, taken out of *Sparrow*'s Collection, is as follows:

Epiſcopus graviter & ſtudioſe cohortabitur patronos beneficiorum, ut cogitent neceſſitates Eccleſiæ, & ante oculos habeant ultimum illum diem, & judicium & tribunal Dei: itaque ut neminem promoveant ad munus eccleſiaſticum, niſi qui doctrinâ, judicio, pietate, probitate vitæ, & innocentiâ, poſſit

poſſit onus tam grave ſuſtinere, ut nihil in eâ re niſi integre, incorrupte, & ſincere, faciant. Se enim uſurum omnibus honeſtis & legitimis rationibus ut verum poſſit invenire. Quod ſi vel in ipsâ præſentatione, vel etiam poſtea, ſenſerit corruptelam ullam aut ſimoniacum commercium, quocunque modo, quantumvis obſcure, vel directe vel indirecte, vel per ipſum vel per alios interceſſiſſe, ut ad ipſum, vel pecuniâ, vel pretium, vel commoditas aliqua, vel pars aliqua fructuum perveniret, velle ſe facti nequitiam & Symoniam publicare & palam facere, non tantum in Cathedrali Eccleſiâ, ſed etiam alibi ad illiûs probrum & dedecus ſempiternum. Et preſbyterum quem ita nequiter præſentaverit, non tantum a ſacerdotio, in quod malâ fide ingreſſus ſit, ſed etiam ab omni miniſterio, & a totâ diœceſi removere.

VISI-

VISITATION-CHARGE, *Anno* 1744.

DISCOURSE IX.

Upon the Canons relating to Preachers, and preaching Licences.

Reverend Brethren,

YOU know the ſubject I have engaged to ſpeak to on theſe occaſions ſo well, that what I have now to ſay will neither need apology nor preamble. I ended the laſt time with the 40th Canon, and ſhall now begin at the 45th, (the four intermediate Canons, relating to Biſhops, Deans, and Prebendaries, and conſequently not within the compaſs of my deſign.) And here we have a ſet of Canons, down to the 55th, nearly allied to each other, and which concern the parochial Clergy, as appears from their titles * and contents; and yet there is ſome-

* Theſe are Can. 45, 46, 47, which begin with *Every beneficed man*. And 49, 50, 52, 53, 54, concerning Preachers and their Licences. The 48th Canon reſpects the Biſhop; and the 51ſt, Deans and Preſidents in Cathedral and Collegiate Churches.

thing in both ſo little conſonant to our preſent uſages, that we do not ſeem to have any concern *with them*. They ſpeak of *beneficed men*, who are *not allowed to preach*, or even to *expound the Scriptures* in their *own Churches*, and of *Preachers* who are not *beneficed men*, but *licenſed* on purpoſe to exerciſe their talent in other men's cures. Now theſe, and other particulars of the like nature, which are the ſubject of this ſet of Canons now coming under our conſideration, muſt appear very ſtrange, if compared with our preſent practice. There is no reconciling them together, or indeed juſtifying ourſelves, without firſt looking back into the ſtate and cuſtoms of thoſe times in which the Canons were publiſhed. Nor are even thoſe Cuſtoms to be rightly underſtood without going ſtill farther back, into the hiſtory of our Church, to enquire into the reaſons upon which they were grounded. This may be thought, perhaps, an enquiry as dry as it is uncommon. Yet I conceive the uſe it will have, in throwing light upon our preſent ſubject, will make you ſuch amends for it, that I preſume upon your indulging me in it.

ANCIENTLY, and long before any attempts were made towards a Reformation here in *England*, the miſſion and the licenſing of Preachers was wholly regulated by the Canon-Law. And, according to that, every beneficed Miniſter might, by *common right*,

right, * preach the word of God within his own cure: but out of his cure he could not, unleſs he were licenſed by the Biſhop, † or authorized by ſpecial privilege, as were ſome of the monaſtic orders. ‡

AND this was the old way which continued to the cloſe of the XIIth century. But, ſoon after, in the pontificate of *Innocent* III. aroſe the Preaching-Orders, || as they were called, that is to ſay, *Ordo Predicatorum* from *St. Dominique*, and *Ordo Fratrum minorum* from *St. Francis*. Theſe were ſent over into *England* § by the *Pope*, with authority to preach in all places, even * * in the ſtreets; and

* See *Lynwood*. Ox. Ed. 1679. p. 289. upon *Arundel*'s Conſtitution de Hæreticis & Schiſmaticis, under the notes *auctorizatus eſt*, and *Curatum perpetuum*, &c.

† Licentiam prædicandi.— Papa poteſt ubique generaliter concedere, & quilibet Epiſcopus per ſuam Diœceſin. *Ibid.*

‡ Potes ponere exemplum de Fratribus Auguſtinenſibus & Carmelitis, qui non cenſentur circa prædicationem eodem jure cum Prædicatoribus & Minoribus, *niſi ſuper hoc habeant Privilegium ſpeciale*. Ibid.

|| Juvere hujus Pontificis virtutem & doctrinam beati Dominici, unde *Prædicatorum*, & Franciſci Aſſiſinatis Sanctitas unde *Minorum* Ordo tunc originem habuit. *Platina in vitâ Innocent.* III.

§ Miſſi etiam eodem tempore ad perturbandum R. P. Angl. jam vacillantis ſtatum a Papa Innocentio inauditæ fraudis & malitiæ homines qui *Minores Fratres vel Prædicatores* dicebantur. *Parkeri Antiq. in Vita Langton.* p. 236. Ed. *Drake.*

* * Ut dictorum ordinum fratres in Eccleſiis & locis eorum *ac in plateis communibus libere valeant* Clero & populo *prædicare*. Clem. Conſt. lib. 3. de Sepulturis. Dudum. Corp. Can. Vol. iii. 187.

Diebus

this power, thus granted to them, extenſive and grievous as it was, being afterwards confirmed* by a Conſtitution of *Clement* V. was conſtrued as a privilege eſtabliſhed by the Canon-Law. †

AND upon this footing ſtood Preaching here in *England* for 200 years, agreeably to the then generally-received Conſtitutions of the Church, without any national proviſions concerning it, either from the Civil or Eccleſiaſtical Powers at home. But, in the Reign of *Hen.* IV. we find the ſtate thought fit to take ſome cognizance of this matter. For, in the famous act, de Hæretico comburendo ‡, it is enacted, *that none within the realm ſhould preſume to preach openly or privately, without the licence of the Dioceſan firſt*

Diebus feſtis populo ſemper prædicabant, quod quia ab Epiſcopis, Monachatu, & reliquo tum Clero factitatum non erat, odium ſummum ab eis creatum illis fuit. *Parker Ant. ibid.* ——— In Cœmiterio vel *plateis publicis* prout conceſſum eſt fratribus. *Lynw.* p. 288.

* But, this confirmation was with ſome proper limitations, *i. e.* Horâ illâ exceptâ in quâ locorum Prælati prædicare voluerint, ——— prædicare ceſſabunt. In Eccleſiis autem parochialibus fratres illi nullatenus audeant vel debeant prædicare, niſi a parochialibus ſacerdotibus invitati fuerint——vel Epiſcopus per eoſdem fratres prædicare mandaret. *Clem. Conſt. Lib.* 3. *de Sepulturis, ut ſupra. Vol.* iii. p. 187.

† That is, according to *Lynwood*, This privilege, being by this Conſtitution made a part of the Canon-Law, and incorporated with it, was afterwards judged to be enjoyed *jure communi*, as diſtinguiſhed from the ſpecial privileges of ſome other Monaſtics.

‡ This was about 1400. See the ſtatutes at large; and Biſhop *Gibſon*'s Codex, p. 374.

obtained;

obtained; Curates in their own Churches, and perſons hitherto privileged, and other of the Canon-Law granted, only excepted. And to the ſame effect is the Conſtitution of **Thomas Arundell*, eight years afterwards, intitled *de Hæriticis & Schiſmaticis*; *viz.* that no Regular or Secular, unleſs authorized by Law, or warranted by ſpecial privilege, ſhould preach without having firſt obtained the Biſhop's licence. And that ſtipendiary Curates, who had neither title to the pariſh nor ſpecial licence from the Biſhop, ſhould be confined in their diſcourſes to the matter and method mentioned in the Conſtitution *Ignorantia Sacerdotum.*†

AND thus ſtood the laws and rules about preaching when *Lynwood* wrote his Provincial, and to the end of the XVth century. Nor do I meet with any account of alterations made therein, excepting that, about 1500, Pope *Alexander* VI. granted a power to the Chancellor ‡ of *Cambridge* to licenſe twelve Preachers

* *Lynwood*'s *Provincial*, p. 288. and Codex, *ibid.* and Collier's *Eccleſiaſtical Hiſtory*, Vol. I. p. 625.

Both the Act of Parliament and this Provincial Conſtitution were in confirmation of the Canon-Law, and with deſign to enforce it the ſtronger.

† This Conſtitution is *Pecham*'s, made 1281. *Lynwood* begins his Provincial with it. It is quoted by *Collier*, Vol. I. p. 480, as an inſtance that the Biſhops were not ſo negligent in thoſe days in the diſcharge of their office as they have been ſometimes repreſented.

‡ *John Fiſher*, Biſhop of *Rocheſter*. This was in 1504, as appears by the recital of this grant in a licence of Biſhop *Fiſher*'s,

Preachers yearly for theſe realms. Which I mention, as it was the foundation of that privilege enjoyed by the univerſities. For, though it was ſoon taken from them at the Reformation which preſently ſucceeded, and ſhared in the ſame fate with all the other acts of the papal ſupremacy, yet it was reſtored by Q. *Eliz.* in the third year of her reign,* and hath been, from that time, allowed, and acknowledged, not only in our Canons, but in the Statute-Laws.

I COME now, then, to enquire into the new regulations that were made upon the Reformation in this point of preaching and licenſing thereunto. And indeed there was nothing of greater conſequence to be looked to than this was, upon ſhaking off the yoke of the ſee of *Rome*. But, as it will be to little purpoſe to recite the ſteps that were taken herein by *Hen.* VIII. and *Edw.* VI. †

becauſe,

Riſher's, 1522: *viz.* Authoritæ Papæ *Alexandri* Sexti apud S. *Petrum* 6to nonas Maii, Pontificatûs ſui anno undecimo ——eligendi ſingulis annis duodecim Doctores, Magiſtros, & Graduatos, *&c.* *Strype*, Vit. *Parker*, p. 193. and App. N. 35.

* The Univerſity of *Cambridge* had ſued in vain for a reſtoration of this privilege in the reign of *Edward* VI. See the clauſe of privilege which was offered to the King, but not obtained, in *Strype*'s App. to the life of *Parker*, N. 37.

See there likewiſe Queen *Eliz.* her grant to the Univerſity for licenſing Preachers, N. 38. And the form of a licence from the Vice-Chancellor, by virtue of the ſaid grant, in 1563, N. 36.

† They were briefly theſe, as far as I can collect them.

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becauſe, all that had been done by them being reſcinded and annulled by Queen *Mary*, the

In 1533, Archbiſhop *Cranmer* forbade all preaching in his dioceſe, and warned the reſt of the Biſhops throughout his province to do the ſame, till proper orders for preachers could be prepared. The ſuppoſed reaſon why preaching was thus reſtrained is, becauſe the matter of ſermons did now too much conſiſt in canvaſſing the King's marriage with *Anne Bolen*. *Strype*, Vit. *Cranmer*, p. 21.

In 1534, the order for Preachers was finiſhed and delivered in both provinces. In which Preachers and Curates are diſtinguiſhed. *Ibid.* p. 25. Alſo *Strype*'s Mem. Vol. I. p. 169.

In 1538, among the King's Inſtructions, ſent to all the Biſhops, one was, that no Parſons, Vicars, *&c.* ſhould preach out of their own churches. *Strypt*'s Mem. Vol. I. p. 303.

In 1547, the firſt Homilies were prepared for the uſe of Curates and unpreaching Miniſters. *Strype*, Vit. *Cranmer*, p. 149.

In the ſame year, 1547, came forth King *Edward*'s Injunctions, among which it is ordered, that there ſhould be one ſermon every quarter in every church at leaſt; and Homilies read by Non-Preachers every *Sunday*. That Deans, Archdeacons, and Prebendaries, ſhould preach twice a year at leaſt in the churches belonging to their Dignities; and that the power of licenſing Preachers ſhould be only in the King, the Lord Protector, the two Archbiſhops within their provinces, and the ſeveral Biſhops within their dioceſes. See *Sparrow*'s Collection.

In 1548, the power of granting Licences was taken from all the Biſhops, ſave only the Archbiſhop of *Canterbury*. So that the Biſhops could not authorize preaching in their own dioceſes, nor even preach —— therein themſelves without licence. And accordingly they took out preaching-licences. To offend againſt this order, which was given by proclamation, was impriſonment. *Strype*'s Mem. Vol. II. p. 90.

Preachers thus licenſed ſtill miſbehaving, and not obſerving the inſtructions given them, all preaching was, within five months after, ſuſpended or prohibited throughout the realm, till the new Service-Book, which was now preparing, was publiſhed by authority. This was done, by proclamation, *Sept.* 23, 1548. *Strype*'s Mem. Vol. II. 118.

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the ſame ſteps were to be taken *de novo*, and with improvements, as occaſion ſerved; and as what was done by Queen *Elizabeth*, in purſuance thereof, is the true foundation of our preſent Canons, ſo far as they reſpect this article; I ſhall therefore omit what paſſed in the three former reigns, and confine myſelf to the regulations made concerning Preachers from the acceſſion of Queen *Elizabeth* to the publication of our preſent Canons.

THE firſt ſtep that was taken, and in the very beginning of her reign, may ſeem, at this time, a very extraordinary one; *viz.* to prohibit all preaching whatſoever by virtue of her ſupremacy, which was done by proclamation. But, as this prohibition * was to laſt no longer than till a proper regulation of Preachers could be ſettled, ſo there were

In 1550, it was ordered, that none ſhould have any of the crown preferments but whopreached before the King in or out of *Lent*; and that a ſermon ſhould be made at court every *Sunday*. Ibid. p. 214.

In 1551, orders were ſent to all the Biſhops, and, through them, to all the Preachers within their dioceſes, to preach particularly againſt the ſin of covetouſneſs. 280.

In 1553, the laſt year of this reign, all Preachers were required to ſubſcribe the Articles of Religion framed in 1552. *Ibid.* 420.

By proclamation from Queen *Mary*, *Aug.* 18, 1553, all preaching was again forbid; *Strype*'s Mem. Vol. III. p. 26. This was the third time preaching had been prohibited within the compaſs of 20 years.

* In the city of *London*, nothing was allowed in the churches but the Epiſtle and Goſpel for the day, and the ten Commandments in the vulgar tongue, but without any addition or comment *whatſoever*. *Strype*'s Ann. *Eliz.* I. 41.

better

better reaſons for it, as things then ſtood, than one would be apt, at firſt ſight, to conceive. For, one half of the beneficed Clergy would have contended for the Maſs-book and the old cuſtoms lately reſtored by Queen *Mary*; while thoſe, who were eager for a Reformation, and were withal exaſperated at the late violent proceedings, would have run all their lengths at once; which muſt, of neceſſity, create public oppoſition and diſorder, and could end in nothing, humanly ſpeaking, but the greater diſtraction of the people.

THE next ſtep was to introduce, with ſpecial licence, ſome of the reformed Preachers, * while the Papiſts were ſtill held to the inhibition of the proclamation. And great caution was uſed in the choice of men to whom this privilege ſhould be granted. None were intruſted with it but ſuch as were moſt unexceptionable for their learning, temper, and good life.

THE new regulation, that was fixed upon, came out in the latter end of the year, under the title of the Queen's Injunctions, which you have in *Sparrow*'s Collection; in which the following particulars, relating to Preachers, and which are yet retained in our Canons, were enjoined:—That all Parſons and Vicars, that were licenſed ſpecially thereun-

* And theſe only at the Queen's chapel and at St. *Paul*'s croſs, on ſome more eminent occaſions. *Ibid.* 135.

to, ſhould preach one ſermon, in their reſpective churches, every month in the year; and ſuch, as were not licenſed, ſhould procure * a monthly ſermon, and read homilies themſelves, on all the other *Sundays* when there was no Preacher. Alſo, that they ſhould admit no man to preach within their cures but who ſhould appear ſufficiently licenſed, either by the Queen's Majeſty, or the Archbiſhops, in either of their Provinces, or by the Biſhop of the Dioceſe, or by the Queen's Viſitors. †

BUT,

* That this is the meaning of the third Item of the Injunctions, though no more is there expreſſed than that they ſhall *preach in their churches one ſermon every month*, appears, firſt, from the third Item of King *Edward*'s Injunctions; where it is ſaid, *they ſhall make, or cauſe to be made, one ſermon*, &c. The reſt is word for word the ſame, ſave only that, by the King's Injunctions, this ſermon, upon works of Faith and Charity, was to be made every quarter of the year, inſtead of every month.

Secondly, From the fourth Item of the Queen's Injunctions immediately following, in which they are required, if licenſed, to preach, *in their own perſons*, every quarter, or elſe to read Homilies. This preaching, in their own perſons, ſhews that, in the foregoing Item, they may be allowed to do it by a ſubſtitute.

† As the Clergy were enjoined not to admit any but who were thus licenſed, ſo neither might they refuſe to admit any that were authoriſed in this manner. They were to be received *without reſiſtance or contradiction*; and, by the Articles of Viſitation in King *Edward*'s time, inquiry was ordered to be made after thoſe Parſons that denied their pulpits to the Preachers; though it is againſt the Canon-Law to obtrude Teachers upon them in their own churches.

At the end of the eighth Item of theſe Injunctions, it is ſaid, that *none ſhall be ſuffered to preach out of his own cure, or pariſh, except he be licenſed*; by which it may ſeem as if

every

BUT, with how very ſparing a hand theſe licences were at firſt granted will appear from hence, that, in the very following year, *viz.* 1560, when it was thought neceſſary to ſend Preachers, duly authorized, into ſome dioceſes where the ſees were yet vacant, two or three were all they could allow for the large dioceſe of *York*, two only for this dioceſe of *Durham*, and as many for that of *Winchester*.*

AND, notwithſtanding all theſe precautions, ſuch was yet their jealouſy of thoſe who were thus intruſted, that we find, within five years more, † not only the licences that had been granted by the Queen's Viſitors, every Miniſter, though unlicenſed, *might preach within his own pariſh*. But, if this Item be compared with the fourth, above, it cannot, to be made conſiſtent with it, admit of this conſtruction. The ſenſe and effect of theſe three Items, *viz.* the third, fourth, and eighth, conſidered together, is taken in our preſent Canons.

* *Strype in vitâ Parker*, p. 86.

† Before this, *viz.* in 1563, we find an order publiſhed by Archbiſhop *Parker* about preaching, along with the advertiſements about marriage, and commonly printed along with them in the table of marriage; *viz.* that no Parſon, Vicar, or Curate, *do preach*, treat, or expound, of his own voluntary invention, any matter of controverſy in the Scriptures, *if he be under the degree of a Maſter of Arts*, except he be licenſed by his Ordinary thereunto; but only, for the inſtruction of the people, read the Homilies already ſet forth, *&c.* By this it ſeems as if, for want of Preachers, Maſters of Arts were tolerated in their ſermons without having ſpecial licence, notwithſtanding the Queen's late Injunctions. It is hard, on any ſuppoſition, to reconcile this advertiſement with the former regulations.

ſitors,* but all thoſe that had been given by the Archbiſhops and Biſhops of the Province of *Canterbury*, were called in, † with deſign to re-examine the qualifications of thoſe who had them, and to grant new ones to ſuch only as ſhould be approved.

ABOUT ſeven years after, this matter of preaching was conſidered in a more regular and ſynodical way: and all the licences were again called in and made void, as may be ſeen in the chapter, intitled *Concionatores*, in the Canons of 1571. ‡ There the regulation ſtands thus:‖ That none ſhould preach, even in his own pariſh, without the permiſſion of his Biſhop. That none ſhould preach out of his pariſh, without a faculty, either from the Biſhop for preaching throughout his Dioceſe, or from an Archbiſhop through-

* Theſe were called in firſt. A reſolution was taken for doing ſo as early as 1561. *Strype, vitâ Parker*, p. 92.

† Theſe were called in in the latter end of 1564, or the beginning of 1565. Purſuant to certain articles publiſhed in 1564, (ſee *Sparrow*'s *Collection,*) of which the fourth Item is, that all licences for preaching, granted out by the Archbiſhop and Biſhops within the Province of *Canterbury*, bearing date before the 1ſt of *March*, 1564, be void and of none effect. See alſo *Strype*'s *Life of Parker*, p. 189.

‡ Nulla poteſtas concionandi firma erit impoſterum aut authoritatem aliquam obtinebit, niſi tantum quæ impetrata fuerit poſt ultimum diem Aprilis, qui fuit in anno 1571. *Sparrow, Coll.* p. 238.

‖ Nemo niſi ab epiſcopo permiſſus in parochiâ ſuâ publice prædicabit, nec poſthac audebit concionari extra miniſterium & eccleſiam ſuam, niſi poteſtatem ita concionandi acceperit, vel a regiâ majeſtate per omnes regni partes, vel ab archiepiſcopo per provinciam, vel ab epiſcopo per diœceſin. *Ibid.*

out

out his Province, or from the Crown throughout the Realm. In the ſame year, it was enacted, by the Parliament, * that none ſhould hereafter be admitted to any benefice, with cure, of or above the value of £ 30 yearly in the Queen's books, unleſs he ſhould then be a Bachelor of Divinity, or Preacher lawfully allowed by ſome Biſhop or by one of the Univerſities. Which ſtatute is in force, and is obſerved, to this day, † whatever liberties have been taken with the Canons.

AND, from this time, no alteration was made, that I can learn, in all that reign, in this buſineſs of preaching and licenſing; though a farther privilege was annexed to theſe licences, in the year 1584, among the Conſtitutions, ‡ intitled *Articuli pro Clero*; by which no perſon could hold two benefices, unleſs he were *a public and ſufficient Preacher, licenſed.* ‖ Which Conſtitution was retained,

* 13 *Eliz.* cap. 12. Reformation of diſorders in the Miniſters of the Church.

† Becauſe it follows, in the ſaid act, that all admiſſions to benefices, inſtitutions, and inductions, to be made of any perſon contrary to the form or any proviſion of the ſaid act; and all tolerations, diſpenſations, qualifications, and licences, whatſoever, to be made to the contrary thereof, ſhould be merely void in law as if they never were.

‡ Under the title, De beneficiorum pluralitate cohibendâ. *Sparrow's* Col. p. 196.

‖ The words of the Conſtitution are, *Publicus ac idoneus verbi divini concionator.* And ſo they are in the repetition of this Conſtitution in 1597. *Ibid.* 247. And ſo they are likewiſe in the preſent *Latin* Canons, *viz.* in Can. 41. *Ibid.* 289.

But,

tained, word for word, among the *Capitula*, or Canons, of 1597. And, again, ſix years after, inſerted almoſt word for word in our preſent body of Canons.

Now, after having hiſtorically deduced the diſcipline of the *Engliſh* Reformers in this point, we ſhall be the better able to judge of thoſe Canons which are now under conſideration; for, indeed, they are altogether formed upon the rules that were enjoined, at different times, in the reign of Queen *Elizabeth*.

As, firſt, that every beneficed man, allowed to be a Preacher, ſhall preach every *Sunday*, either in his own church,* or in ſome other where no allowed Preacher is. Can. 45.

SECONDLY, That every beneficed man, not allowed to be a Preacher, ſhould procure a Preacher, lawfully licenſed, once in every

But, as theſe words, *publicus ac idoneus concionator*, are made *Engliſh* in the 41ſt Canon, by this expreſſion, *a public and ſufficient preacher licenſed*; I think the ſame words, in the two former Conſtitutions, ought to be rendered and underſtood in the ſame manner.

* Queen's Injunctions, 1559, fourth Item. A ſermon or an homily *every Sunday at the leaſt*; but no homily, if there were a Preacher licenſed. *Sparrow*, p. 68.

Indeed it was more neceſſary, in thoſe times, when the Preachers were few, that they ſhould preach every *Sunday*, either in their own Churches, or in other pariſhes, than it was afterwards. But, even in 1603, there were ſo many not allowed to preach as gave room for the employment of Preachers every *Sunday* in ſome pariſh or other.

month,

month,* and, on other *Sundays*, ſhould read an homily. † Can. 46.

THIRDLY, That every beneficed man, though he be a Preacher, ſhall, in caſe of non-reſidence, provide a Curate that is licenſed to preach; and, if he hath two livings, ſhall maintain ſuch a Curate on that where he doth not reſide. ‡ Can. 47.

FOURTHLY,

* Queen's Injunctions, 1559, third Item. *Sparrow*, 67. That they, the Parſons above rehearſed, ſhall preach, (or *cauſe to be preached*, ſee this interpretation proved in a note above,) in their churches, and every other cure they have, one ſermon every month of the year at the leaſt, *&c.*

† *Ibid.* item fourth and twenty-ſeventh, p. 76.

Articles 1564. That no Parſon or Curate, not admitted by the Biſhop of the Dioceſe to preach, do expound, in his own cure or elſewhere, any Scripture, or matter of doctrine, or by way of exhortation, but only ſtudy to read gravely and aptly, without any gloſſing of the ſame, or any additions, the Homilies already ſet out, p. 124.

Proteſtations to be made by all miniſters at admiſſion, p. 127.—Imprimis, I ſhall not preach, or publicly interpret, but only read that which is appointed by public authority, without ſpecial licence of the Biſhop under his ſeal.

Can. 1571. *Omnibus dominicis*, &c. ſi tempore ſacræ communionis nulla erit concio, de ſcripto & e pulpito pronunciabunt unam aliquam aut aliam ex illis homiliis, quas jam antea publicavimus illum uſum. P. 233.

‡ Articuli pro Clero, p. 196; & Capitula, p. 247. Denique quod *idoneum curatum* habeat, qui plebem ejus parœciæ, in quâ non reſidebit, inſtituat ac informet.

In the recital and confirmation of this Conſtitution, in the forty-firſt Canon of 1603, *idoneum curatum* is expreſſed by *concionatorem rite approbatum*. And this is again interpreted, in the forty-ſeventh Canon, by *curatum legitimum*, that is, ſays the *Engliſh* Canon, a *Preacher licenſed*; and curatum qui concionator ſit idoneus & ſufficienti authoritate approbatus; that is, according to the *Engliſh* verſion, a Curate that is *a ſufficient and licenſed Preacher*. This is not, therefore, ſo much

FOURTHLY, That no perſon, who is not an allowed Preacher, ſhall take upon him to expound either Scripture or matter of doctrine, within or without his own cure, but ſhall read homilies only. * Can. 49. Which, though it was intended to prevent preaching under the notion of lectures and expoſitions, yet is not to be underſtood to exclude private advice and admonitions; for theſe not only may, but ought, conſtantly to be given by the Non-preachers according to the Canons of 1571. †

FIFTHLY, That no beneficed man, or his Curate, ſhall ſuffer any perſon to preach in his church, who doth not at firſt produce his licence, and ſhew his legal authority for ſo doing. ‡ Can. 50.

SIXTHLY,

much an improvement upon the old Conſtitution as it is a farther explanation, as well as reinforcement, of it. See the like remark above upon *publicus* & *idoneus* verbi divini concionator.

* This is almoſt word for word in the *advertiſements* of 1564, in the ſecond Item of *Articles for Adminiſtration*. Sparrow, 124. See note above upon Can. 46, and the fifty-third Item of the Queen's Injunctions in 1559, p. 82.

† De Cancellariis, &c. *Sparrow*, p. 233. Si nulla erit concio, pronunciabunt unam ex homiliis, &c. Interim cohortabuntur populum, &c. Admonebunt populum, &c. Et ut omnes intelligant quid debeant Deo, quid Principi, quid Legibus, &c. omnibus dominicis præſto erunt, ad duas horas legent, docebunt catechiſmum, et in eo ſubſtituent omnes omnium ætatum atque ordinum, etiam ſi opus erit grandiores, &c.

‡ Alſo they ſhall admit no man to preach within any of their cures, but ſuch as ſhall appear to them to be ſufficiently licenſed thereunto. See the eighth Item of the Queen's Injunctions, 1559. *Sparrow*, p. 69.

Whether

SIXTHLY, That a book ſhall be kept, in every pariſh, for entering the names and licences of every perſon that comes there to preach.* Can. 52.

SEVENTHLY, That there be no oppoſition of Preachers in the ſame Church or in the ſame neighbourhood. Can. 53. †

AND, laſtly, That the licences of Preachers, refuſing conformity, ‡ ſhall be void and of none effect. Can. 54.

ALL theſe Canons, except the laſt, are evidently founded on the former Conſtitutions made in Queen *Elizabeth*'s reign, and the laſt is as evidently levelled againſt the Puritans in particular; who, in the latter end of her reign, and the beginning of King *James*'s, gave no little diſturbance to the eſta-

Whether they (the Miniſters) have admitted any man to preach in their cures, not being lawfully licenſed thereunto. *Art. of Viſitation*, 1559. *Ibid.* p. 177.

* Æditui curabunt ut nomina omnium concionatorum, qui ad ſe alicunde venerint, annotentur in libello, quem habebunt paratum in eum uſum; utque in eodem libello concionatur quiſque ſubſcribat nomen ſuum & diem quo habuerit concionem, et ejus epiſcopi nomen a quo acceperit concionandi poteſtatem. *Can.* 1571. *Sparrow*, 237.

† This is all that relates to the Preachers in the fifty-third Canon; and it is founded on the fifth Item of the *advertiſements of* 1564. Sparrow, p. 123. *viz.* If any Preacher, licenſed, ſhall fortune to preach any matter tending to diſſenſion, or to the derogation of the religion or doctrines received, that the hearers denounce the ſame to the Ordinary; but no man openly to contrary or to impugn the ſame ſpeech, ſo diſorderly uttered, whereby may grow offence and diſquiet to the people, *&c.*

‡ *Refuſing Conformity.* The *Latin* Canon hath it *Schiſmatici.*

bliſhed Church. And, it was chiefly on their account, as I conceive, that the old rules, about preaching and licenſing, were ſo ſtrictly followed. For, the firſt end and deſign of thoſe rules was already anſwered after a 40 years progreſs in the Reformation. Moſt of the old unlicenſed Papalians were gone off, and their places filled with perſons better affected to the Proteſtant doctrines and cuſtoms. Learning was become more common; and the churches generally provided with Graduates, or ſuch as had Univerſity-education. But though, by this means, Popery was thrown pretty well out of doors, and there was no apprehenſion that the pulpit would be made uſe of towards the reſtoring it in whole or in part; yet another enemy to the eſtabliſhed Church had ariſen, and had found means to diſcharge its artillery too often from the pulpit and under the ſanction of licences.

A VERY freſh inſtance both of the principles and of the ſtrength of the Puritan party, among the Divines, had appeared at the *Hampton-Court* conference juſt before the framing of theſe Canons. And it was very natural for the Convocation, that framed them, to guard and ſecure the Biſhops authority in all inſtances for which they could find a precedent ſince the Reformation; and eſpecially to drop nothing of that branch of power over Preachers, which the Eccleſiaſti-

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cal Laws had given to the Ordinary, as being one of the ſtrongeſt bulwarks of an eſtabliſhed Church.

AND thus much of the reaſon and intention of the Canons now before us.

THE next queſtion will be, How we can reconcile our preſent uſages to them; what their validity, at this time of day, may be ſuppoſed to be; and what grounds of exemption we have to plead from a ſtrict and literal obſervance of them?

IT is, as I take it, the opinion of ſome, that the beneficed men, at leaſt, need be under little difficulty in anſwering for themſelves; ſince their Orders and their Inſtitution, taken together, ſeem to amount, in effect, to the ſame thing with a preaching Faculty or Licence. They obſerve that, in the office for ordering of Deacons, the form, appointed for the delivery of the Bible, runs thus: Take thou authority to read the Goſpel in the Church of God, *and to preach the ſame, if thou be thereto licenſed by the Biſhop himſelf.** But, the preſcribed form, at the delivery of the Bible in the ordering of Prieſts, is this: Take thou authority *to preach the word of God*, and to miniſter the holy Sacraments, *in the congregation where thou ſhalt be lawfully appointed thereunto.* Now, ſay they, what is collation or inſtitution to any bene-

* *If thou be thereto ordinarily commanded.* Thus it ſtood in the office that was uſed in 1603, but to the ſame ſenſe.

fice, but a *lawful appointment to preach the word of God in a certain congregation.*

THE right of preaching is originally in the Biſhop, as ordinary Paſtor within his dioceſe; and this he delegates in different ways: To a Deacon, by a ſpecial warrant or faculty, (his proper office being only to read the Goſpel, and not to preach it.) But, to a Preſbyter, in virtue of his Orders, by or through which he grants him a general commiſſion, as yet indeed unopened; but, when he, or any other Biſhop, doth farther inveſt him with any particular cure and regimen of ſouls; then the general commiſſion becomes ſpecial and proper. So that no farther licence ſhould ſeem any ways neceſſary, eſpecially for preaching within a man's own cure, which, by the old Canon-Law, as I ſaid before, every beneficed man might *de jure communi.*

NAY, indeed, moſt of the titles, upon which perſons are admitted into Orders, are properly appointments, and nothing more than appointments, of certain places where they ſhould exerciſe their Miniſtry; and Ordination, upon one of theſe titles, ſeems, of itſelf, to give ſufficient authority to preach in the congregation, or church, which is ſpecified in the title. At leaſt, if a licence be farther granted for ſerving that particular cure of ſouls, it is then equivalent with inſtitution or collation in this reſpect, that is

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to ſay, according to the argument juſt now uſed, equivalent with a preaching-licence.

AND, if this reaſoning be good, it may be extended ſtill farther, even to the juſtifying our preaching, not only out of our own cures, but in another Dioceſe, or in another Province, without any permiſſion from the eccleſiaſtical Superiors thereof. For, every man is allowed, by the Canons, to preach by a ſubſtitute duly qualified; and, if Prieſt's Orders (as was ſaid above) be a ſufficient commiſſion to preach wherever there is a lawful appointment, then the appointment of the perſon who has the legal right, * in the pulpit of any pariſh, is all that ſeemeth needful to extending the commiſſion to that place. And accordingly we find, that, in thoſe places where a book is kept for regiſtering the names of ſtrange Preachers, it is thought ſufficient to ſatisfy the Canon, for the ſtranger to ſet down the Biſhop's name who ordained him, in lieu of that Biſhop's name who gave him licence to preach, as the Canon enjoins.

BUT now, how eaſy and plauſible ſoever this ſolution of the matter may appear, I fear it does not ſtand upon a good bottom. I fear even beneficed men will not be allowed

* The Miniſter if preſent, the Churchwardens if the Miniſter be abſent, or hath not provided for his pulpit. The ſequeſtrators during a vacancy of the living. Others in exempt Churches, or Peculiars with ſpecial privileges.

to plead it for preaching within their own cures, much leſs for doing ſo out of their pariſhes. The reaſons are, becauſe no powers are conferred in Ordination, or in collations, inſtitutions, or any other admiſſions to cures, but what are ſubject and liable to be controuled and limited by eccleſiaſtical authority; even the eſpiſcopal powers are coercible by it. Biſhops themſelves may, upon occaſion, be ſilenced, or obliged to take out preaching-licences, as they were in *Edward* the VIth's reign. But, though there is no reſtraint upon them now in this point, yet theſe Canons are ſtanding laws of reſtraint upon us the inferior Clergy, and are neither rendered obſolete nor weakened by being now 140 years old. For, to put it out of queſtion that they are yet in force, the Biſhops, by virtue of them, not only may, but actually do, when they think proper, compel the Clergy, within their juriſdictions, to take out preaching-licences in form; or, upon their refuſal to do ſo, abſolutely prohibit their making any farther uſe of their own pulpits than for the reading of homilies themſelves or ſubſtituting ſome licenſed Preachers in their place.

THEREFORE, I apprehend, our defence and apology for our preſent uſages and practice muſt ſtand upon ſome other foundation than the right and privileges of Ordination and Inſtitution. And, I conceive, it can reſt only

only here, *viz.* upon a general tacit diſpenſation of all, or moſt of, the Ordinaries in the kingdom, with one accord, and, as it were, with one voice, agreeing (a particular caſe, perhaps, or two, excepted) to a relaxation, or rather a temporary ſuſpenſion, of all thoſe Canon-laws about licences for preaching.

IF I may conjecture concerning the reaſons that induce them to the diſpenſation, they are theſe; at leaſt their diſpenſation in this matter ſeems highly juſtifiable upon the following conſiderations.

FIRST, the qualifications of the parochial Clergy, in general, with reſpect to literature and knowledge both divine and human, are much beyond what they were when the Canons were ſettled, and in the ages before. There were indeed, in thoſe times, ſome men of very extraordinary proficiency in all parts of literature, ſo as to be deſervedly named among the greateſt ſcholars of other ages and countries. But theſe were few in compariſon. Learning ran in choſen and ſelect channels, and was, in that ſenſe, very rare and uncommon. But now it hath enlarged its limits, and widened its courſe, paſſing more freely and generally through many hands, both of Clergy and Laity. So that whoſoever compares the moſt authentic accounts we have of the Pariſh-Miniſtry formerly, not only in times of Popery, but for half a century after the Reformation, with

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the ſtate of the parochial Clergy at this time and ſince the Reformation, in point of ſufficiency in regard to letters, will find ſo great a difference as may well account for a more general permiſſion of unlicenſed Preachers; there being ſo much the leſs apprehenſion of danger from ignorance and blind ſuperſtition.

SECONDLY, the times will not *now* bear, as they formerly did, the uſe of Homilies, or the Miniſtry of an unpreaching Clergy. The taſte of the people is altered much from what it was above a century ago. The extempore and puritanical preachments, in the great rebellion and during *Cromwell*'s uſurpation, had ſo much corrupted it, that it was well the Clergy of the Church of *England*, when reſtored, could be allowed the uſe of notes; much leſs would the preſcript and ſtate form of the Homilies have gone down with the people.

AND, thirdly, the circumſtances of the times are altered, as well as the abilities of the Clergy and the taſte of their audience. The particular reaſons which once occaſioned ſo great a care in licenſing teachers, which I took notice of above, do no longer ſubſiſt. The remains and dregs of Popery have been for theſe many years purged off: and there is no ſuſpicion either of prieſt or people, that the one will preach, or the other receive, any doctrines tending that way. The

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reformed principles are the only ones commonly eſpouſed, and in public credit and eſteem; and nothing can be borne in this age but what is built upon them and ſuitable to them.

AND then, as to Puritaniſm, which I mentioned as another cauſe of the ſtrictneſs of our Canons in this matter of licences, it hath now taken another courſe, eſpecially ſince the Act of Toleration, whereby a ſeparation of congregations is permitted by Law. So that, whatever check may be ſuppoſed to have been formerly given to the progreſs of it by withholding licences to preach, yet the doing ſo now would be no longer an inhibition, nor indeed have any influence that way; every Sectariſt being now allowed to take out his licence, and preach to his own fraternity. And it would have ſeemed a little hard if our Biſhops had not allowed the Miniſters of the eſtabliſhed Church to preach, *even in their own pariſhes*, under a toleration that permits diſſenters of all denominations to ſet up for teachers and paſtors, and to claim licence, from a law of the ſtate, for doing ſo wherever they pleaſe. I ſay, a tenacious adherence of our Ordinaries to the letter of the Canons, now-a-days, muſt lay the beneficed Clergy, who are the only properly-authorized paſtors, under greater reſtraints, in their didactical capacity, than even the laity themſelves are laid under.

Now, laying theſe things together, I preſume it will appear highly reaſonable that we ſhould be diſpenſed with, in the manner we are, as to the literal obſervance of theſe Canons; and permitted, by toleration and connivance, to reſume that liberty of preaching, within our own cures, which formerly all beneficed men, by the Canon-Law, enjoyed *de jure communi*.

AND as for our doing it out of our pariſhes, or wherever we have an occaſional call, though it be leſs agreeable to the ancient rules of our Church than the caſe laſt mentioned, yet it ſtands upon as good a footing, of a preſumptive conſent of all the Biſhops within the realm, as the other doth. It is a convenience, as a relief, to the Clergy in general; and, as no inconvenience hath hitherto ariſen from it, ſo, if there ſhould, the Ordinaries within their reſpective juriſdictions have ſtill the remedy in their own hands. Which circumſtance alone, had we no other reaſon to ſupport it, would juſtify our interpreting their connivance as a plenary permiſſion, if not rather an approbation, of what we do. We do not therefore uſurp this power, we do not claim it as of right, but we uſe it as an indulgence or a favour of our ſuperiors. Which fully reconciles our part and behaviour in this buſineſs with our obligations, upon the footing of the third claſs of Diſpenſations formerly mentioned.

AND,

AND, indeed, without admitting this moſt equitable rule of conſtruction, which is allowed in all ſimilar caſes, I do not ſee how we can poſſibly acquit our preſent cuſtoms in preaching of direct repugnance to the Orders and Canons of our Church. For, if we will abide by the very letter of them, though we are not obliged thereby to ſue out licences for preaching, yet we are obliged, till we obtain ſuch licence, to read only Homilies in the church. And, though our Biſhops cannot compel * us to take their licences, if we chuſe not to have them, yet they are obliged (equally with ourſelves by theſe Canons) to forbid our preaching for want of them.

* This is ſaid with reſpect to the general caſe of the parochial Clergy, whoſe regular admiſſion into their cures will ſecure their poſſeſſion thereof, whether they be licenſed Preachers or not. And with due exception to all thoſe caſes where a Biſhop may be ſaid to compel; as, in the caſe of livings of or above £ 30 yearly value in the King's books; and Clerks preſented to them who are not Bachelors of Divinity. There, unleſs they be already licenſed, or do take licence previous to their inſtitution, the Biſhop is bound not to admit them; or, if he does, yet their benefice is forfeited and void by ſtat. *Eliz.* 13th. So, in the caſe of Lecturers, whoſe admiſſion to the Lecture is only by a licence taken from the Dioceſan to preach, there is a neceſſity of their taking out ſuch licence, becauſe otherwiſe they cannot hold ſuch Lecturer's place. So likewiſe in the caſe of Coadjutors, or Curates-Aſſiſtant to any beneficed Miniſter, the appointment of theſe being diſcretionary in the Ordinary, he may inſiſt upon their qualifying themſelves canonically by taking his licence to preach. And as, in the two above-mentioned caſes of perſons

BUT, as we have our reaſons of expedience for not giving our people Homilies inſtead of Sermons, and reaſons of great moment to our intereſts in our reſpective pariſhes; ſo the Biſhops likewiſe have their reaſons of expedience for not exerciſing ordinarily their power to prohibit our preaching; ſome of which I have already laid before you. So that, by a mutual agreement, or as it were a tacit compoſition, founded on an expediency acknowledged by both par-

ſons preſented to livings of £ 30 value in the King's books, and of occaſional Lecturers, preaching licences are always taken in form and under ſeal; ſo, in the Caſe of Aſſiſtant-Curates, it is uſual with Biſhops (and it is very right) to inſert words of explicit permiſſion to preach, in the inſtrument, or licence, which they give for ſerving the cure of ſouls. I ſay, in all theſe caſes, where an explicit licence is either neceſſary or proper, care is taken that it ſhall be granted. But, in all other caſes, where it is not made neceſſary by law, and where the Biſhops cannot in ſtrictneſs oblige the Clergy to take it, and where, if they did take it, it would anſwer no other end than the advancing of the perquiſites of the Biſhop's officers, and conſequently increaſing the expences of the Clergy, at their admiſſions in the ſame proportion; the Biſhops have generally choſen (and their Clergy are obliged to them for the indulgence) to leave them to themſelves, and not abſolutely to inhibit them from preaching: which allowance is the more reaſonable and ſafe on this account, that the ſaid Clergy have fully complied with all the other conditions and qualifications for the Miniſtry that were required of them; as the ſubſcription, particularly, to the three Articles in the 36th Canon, which not only every incumbent at his inſtitution, but every perſon at his admiſſion into Orders, doth ſubſcribe in the ſame form that is required to obtain a licence to preach.

ties,

ties, the literal execution of the canonical Injunctions is waved, or ſuperſeded, till ſuch time as there may be occaſion, hereafter, (and you have heard enough of ſuch-like occaſions heretofore,) * to revive them in their priſtine force and vigour; in ſuch manner as other canonical Injunctions have been, from time to time, revived by common conſent of the Biſhops among themſelves, conſulting *how they might beſt employ that authority which the Eccleſiaſtical Laws now in force have veſted in them:* Inſtances of which you may ſee in the circular letters of the Archbiſhops to their ſuffragans.

IT remains only in the interim that thoſe of the Clergy among us, who take the benefit of this temporary Diſpenſation, ſtudy to make the ſame proof of their Miniſtry, and

* It is obſervable, that all the alterations or deviations from the rules of the Canon-Law, which have been made in reſpect of licenſing Preachers or prohibiting of Preachers, have been calculated purely to prevent reformation when the Papiſts were in power, and to promote and complete it when the Proteſtants were ſo. The firſt ſtatute-law about preaching, in *Henry* IV's reign, was to check the followers of *Wicliffe*, commonly called *Lollards*. So likewiſe was *Thomas Arundell*'s conſtitution *de Hæreticis*. The various injunctions and inhibitions recited above, in the reigns of *Hen.* VIII. *Ed.* VI. and Queen *Eliz.* were levelled againſt Popery. Many of our preſent Canons in *James* I's reign were retained, and one or two new ones added to preſerve what was already eſtabliſhed from farther innovations from the Puritans. What occaſions may occur hereafter time only will ſhew.

to make uſe of their unlicenſed preaching with the ſame diligence, and the ſame care to approve themſelves by it in every reſpect, as if they were reſponſible to their Ordinary, in the ſame manner licenſed Preachers formerly were, for every miſdemeanor, abuſe, or neglect, committed in ſo great a truſt repoſed in them.

VISI-

VISITATION-CHARGE, *Anno* 1745.

DISCOURSE X.

Upon the Form of Prayer before Sermon, Can. *the* 55*th.*

Reverend Brethren,

MY Diſcourſe to you, the laſt time we met, upon the old diſtinction between *beneficed men not allowed Preachers*, and *Preachers by licence*, with the uſes of it for underſtanding the Canons; and likewiſe upon the privileges annexed, in former times, to the preaching faculties, with their conſequences and effects in thoſe times; conſiſted for the moſt part, as you may remember, in hiſtorical reſearches into theſe points, and ſundry others cloſely connected with them; yet, in appearance, very little connected with our modern cuſtoms and uſages. It was a ſubject, however, not to be paſſed over, though perplexed and intricate enough; becauſe it extends itſelf through ſeveral Canons upon different topics, and mixes and incorporates with their ſeveral proper matters. I am ſtill within the verge of it; for, the 55th Canon, which, according to due courſe and

and order, I now proceed to examine, is a kind of appendage to the foregoing ſet; but the matter of it, being more ſimple and uniform, and better accommodated to our preſent practice, will admit of a more regular and better methodized, as well as a more profitable, diſcuſſion.

ONE would indeed imagine, from the title of it, which is, *A prayer to be uſed by all Preachers before their ſermons*, that there could be no room for diſquiſition or diſpute about it. And yet, in the whole body of Eccleſiaſtical Conſtitutions, there is not one that yields more matter for both than this does; nor one upon which the Clergy have been more divided, both in their ſentiments and their practice: for, though we all profeſs to conform ourſelves to it, yet we expreſs our conformity in divers ways. And I may add, farther, that it is the only Canon upon which I have ever yet met with a formed diſcourſe or a diſſertation profeſſed: and that is one by Dr. *Heylyn* in the laſt century. †

BUT, my purpoſe is neither to build altogether upon what he has diſcourſed largely and learnedly upon the ſubject, nor yet to omit mention of the moſt material arguments

† Intitled, *A brief diſcourſe touching th' form of prayer to be uſed by the Miniſters before their ſermons*, Can. 55. It was written in 1637, and was republiſhed, among his *Hiſtorical and Miſcellaneous Tracts*, *in* 1681.

wherewith

wherewith he hath ſupported his own opinion; but to give, by means of his and ſuch other helps as I could meet with, the faireſt account of the matter that I am able; and in the ſame method that I have hitherto taken in commenting on this body of Eccleſiaſtical Law.

THE ſingle queſtion, which hath occaſioned all the embarraſs in the interpretation of this Canon, is this:

WHETHER the Canon be a direction to the Preacher, *to uſe a prayer according to the form* therein ſet down; or whether it be a direction to him *to exhort the people, according to that form,* to pray for the things recommended therein to their devotions. For, the ſeveral clauſes, in the imperative, beginning with, *ye ſhall pray,* are equally capable of either conſtruction: at leaſt, they ſeem ſo upon the firſt view or curſory reading of the Canons.

IF, for inſtance, we interpret them in conformity with the title of the Canon, viz. *A form of prayer to be uſed by all Preachers before their ſermons,* nothing is more natural than to conſtrue, *ye ſhall pray,* as an injunction upon the Miniſter to uſe a prayer agreeing with the form preſcribed. But, if we interpret them by the firſt words of the Canon itſelf, *viz. Before all Sermons, Lectures, and Homilies, Preachers and Miniſters ſhall move the people* [*to join with them in prayer*]

in this form, or to this effect, ye ſhall pray for Chriſt's holy catholic Church, &c. Then nothing ſeems more natural than to look upon the whole as an injunction upon the Clergy, to beſpeak the prayers and interceſſions of their audience, either in the very words of the Canon, or in others to the ſame purpoſe, and with the ſame brevity.

AGAIN, the ſudden tranſition, from the imperative plural, *ye ſhall pray*, to the firſt perſon ſingular indicative, *and herein I require you moſt eſpecially to pray*, &c. ſeems to put it out of doubt that the whole form is an exhortation to be repeated by the officiating Miniſter. And yet, towards the concluſion, when another tranſition occurs from the ſecond to the firſt perſon plural, *finally, let us praiſe God*, &c. this ſeems to imply a joint concurrence of Prieſt and People in the ſupplicative as well as euchariſtical part: and, conſequently, to require a form in the Miniſter's mouth adapted to ſuch an union in prayer: one that, at the ſame time, will ſerve both himſelf and them.

Now it is no wonder, if theſe ſeeming claſhings in their directions ſhould have produced a real diverſity and diſſonancy in the practice of the Clergy. Some uſing the very words of the Canon as an exhortation: others converting it into a prayer, or an addreſs, to God: and others, again, ſo framing their diction as to ſerve both purpoſes: that is, ſo

contriving

contriving the form of their exhortation, as that it may ſeem nevertheleſs to be a prayer, and may paſs indifferently for either, as the auditors are diſpoſed to interpret it.

IT is neither my intention to blame any one for his opinion, nor to preſcribe to any one's practice in this thing: knowing that very judicious perſons have differed in both from each other. But, a cloſe enquiry into the reaſons that may be pleaded on either ſide of the queſtion, provided it be a candid one, will ſcarce be thought unſeaſonable: eſpecially as many of us have taken up our own practice moſt probably upon the authority, and in conformity to the example, of other Clergymen, without having ourſelves entered into any ſteady and thorough conſideration of the point; and leaſt of all into the hiſtory of the Canon, which yet ſeems to be the beſt key for opening to us its true meaning, and letting us into the knowledge of its peculiar ſtyle.

INDEED, what I call the hiſtory of it, or its relation to and dependence upon former orders and injunctions, which will give its traditional ſenſe, is ſo neceſſary a groundwork to proceed upon, that I muſt begin there, in order to ſet the propoſed enquiry upon its true bottom. I gave you ſome proof, in my laſt charge upon the preceding ten Canons, how requiſite it was to have recourſe to former Conſtitutions, in order to

underſtand their meaning and drift. The advantage of which retroſpect will be equally apparent in this, which we are now conſidering: for, we muſt neceſſarily be much in the dark about it, without calling in the light, which our Church-Hiſtory, ſince the Reformation, will afford us. Which I ſhall therefore collect and exhibit in the ſhorteſt and beſt manner that I can.

IT was a cuſtom of Preachers, in the Popiſh times, in ſome part or other of the ſermon, but generally about the beginning, *to bid the beads*, or advertiſe the audience to ſay an *Ave Maria* or a *Pater Noſter* for a bleſſing upon the word to be delivered to them, and for all neceſſary graces to be beſtowed both on the preacher and themſelves.*

* The bidding of the beads was at the diſcretion of the Preacher, for ſuch things as beſt ſuited the preſent occaſion. Thus, in ſermons, at funerals, or at commemorations of the dead, the beads were bid for the ſouls departed. Of this we have an inſtance in *Fiſher* Biſhop of *Rocheſter*'s ſermon, at the funeral of *Henry* VII. in 1509, who, in the middle of his diſcourſe, bid the beads in this form:

Let us helpe hym at the leſt with our prayers, beſechynge Almyghty God, for his infynyte mercy, to delyver his ſoule, and to pardon it. And, or we procede any ferder of our pſalme, let us here devoutly and affectually *ſaye for his ſoule, and all cryſten ſoules, every of us, one Pater Noſter.*

We have another inſtance of the ſame Biſhop's bidding the beads for *Margaret* Counteſs of *Richmond*, in the ſame year, at a commemoration of her obſequies, in theſe words:—But we ſhall, with mooſt entyer mindes, beſeche hym to accepte that ſwete ſoule to his grete mercy to be parteyner of the everlaſtynge lyfe with hym, and with his bleſſyd ſayntes above in Heven; which I *pray you al nowe affectually to pray, and for her now at this tyme mooſt devoutly to ſay one Pater Noſter.*

Now

NOW from hence King *Henry* VIII. took an handle to introduce a public acknowledgement of his being ſupreme Head of the Church of *England*, by an appointment,* that for the future all preachers whatſoever, in bidding the beads, ſhould pray for him, *as being the only* ſupreme Head of the Catholic Church of *England*, with ſome other particulars, plainly denoting this order to be the foundation of the Injunctions that afterwards followed about *bidding of prayers*.

BUT, the thing principally to be taken notice of in this order, as moſt to our preſent purpoſe, is this expreſſion in it, *viz.* that the Preacher, *in the bidding of the beads*,

* This was intitled, *An order for preaching and bidding the beads*. It was framed in 1534. In which, ſays *Strype*, *forms were deviſed for the beads, as well for Preachers as Curates*. Vit. *Cranmer*. p. 25. But, afterwards, in his Memorials of *Hen.* VIII. he ſpeaks of two orders to this purpoſe: one, for Preachers, in 1534; and another, for Curates, in 1535.

He calls the former a remarkable order given out for preaching and bidding the beads, in all ſermons to be made within the realm: wherein, as to the prayers, it was commanded to pray for the King, and Queen *Anne*, and the lady *Eliz.* daughter and heir to them both, and to add no more. *Mem.* Vol. I. p. 169.

See more of this order in *Heylyn*'s *Hiſtorical and Miſcellaneous Tracts*, p. 147.

The order itſelf may be ſeen at length in *Burnet*'s *Hiſt. Ref.* Vol. III. *Collections*, p. 58. And in *Collier*'s *Eccleſiaſtical Hiſt.* Vol. II. p. 100. where it is intitled, *Orders for regulating the pulpit and bidding of beads, ſet forth by the King and Council.*

But, in the following year, *viz.* 1535, another book was framed, for the uſe of Curates, of the ſame nature with this. *Strype*'s Mem. of *Hen.* VIII. p. 194. Of which we ſhall have occaſion to ſpeak more hereafter.

ſhall

ſhall pray for ſuch and ſuch particulars, and *in manner and form, and word for word, as is therein ordained and limited.* To attempt any other expoſition of theſe words, than what is to be gathered from the practice of the Preachers conforming to them in thoſe times, would be going quite out of the merits of the queſtion. The inſtance I am going to give, of Biſhop *Latimer*'s manner of obeying this Injunction, is worth a hundred ſurmiſes that are ungrounded on precedent. In a noted Sermon * of this Biſhop before the Convocation, and within two years † after this order of King *Henry*'s was publiſhed, he bids the prayers, after having opened his ſubject, in theſe expreſſions: *I pray you all to pray with me unto God, ſaying even the ſame prayer which Chriſt himſelf did inſtitute. Wherein we ſhall pray* (note theſe words) *for our ſovereign Lord the King, chief and ſupreme Head of the Church of England,* &c. And then at the concluſion he ſays, *for theſe graces, and what elſe his wiſdom knoweth moſt needful for us, let us pray, as we are taught, ſaying, Our Father,* &c. ‡ The points to be chiefly noted here are theſe. Firſt, that he

* This *Latin* ſermon was tranſlated, and is among his works.

† The order, ſays *Strype*, was about *June*, 1534. This *Latin* ſermon was preached the 9th of *June*, 1536.

‡ See *Latimer*'s *Sermons*, 4to, p. 8. And Dr. *Heylin*'s *Hiſt. and Miſc. Tracts*, p. 151. where the paſſage is given in-

had the King's order about the beads in his eye; for he takes in all the material parts of it. Secondly, that he bid the prayers in a form properly invitatory, for, he makes therein no addreſs to God till he uſes our Saviour's own words. And, laſtly, that he *prayed* for all the particulars he had been recommending to the devotions of the people, when he himſelf repeated the Lord's prayer; for, he ſuppoſes and declares them all to be included in that, or comprehended under it.

WE are now the better prepared for underſtanding the next order to this purpoſe, ſet forth, in 1547, at the foot of King *Edward*'s Injunctions, and intitled,* *the form of bidding the common prayers.* A title that will not ſurprize us, when we recollect that there

* The expreſſion of bidding the beads was now no longer uſed, as ſavouring of Popiſh ſuperſtition. For, in theſe very Injunctions, the *praying upon beads* is reckoned among the *works deviſed by mens phantaſies, and beſides ſcripture.*

And, this form of bidding very naturally follows immediately after the laſt *Item* of the Injunctions, which is, *when any Sermon or Homily ſhall be had, the prime and hours ſhall be omitted.* The bidding of prayers then was only to be uſed when there was a Sermon or an Homily, and this by way of ſupplement, or inſtead of the prime and hours, which were then to be omitted. And, being the only prayers that were to be publicly uſed at thoſe times, might properly enough be ſtyled the *common prayers* on thoſe occaſions; eſpecially as they ſucceeded in the room of *the beads*, which had been in the Popiſh times very juſtly looked upon as the *common prayer* of the populace. Of which ſee more below. It was after theſe times that the reformed Liturgy, eſtabliſhed in *England*, ſo engroſſed the name of the *common prayer*, that it could not be properly uſed for any other ſervice.

was,

was, as yet, no Proteſtant Liturgy eſtabliſhed.

AND here, in the very beginning of this form, doth that ſtyle occur, which hath been ſince continued in the Canons, and hath given riſe to our preſent queſtion, *you ſhall pray*; an expreſſion, which, however doubtful it may ſeem to us now, was then of all others the plaineſt and leaſt liable to be miſtaken.* For it was the old ſtyle in bidding the beads, and that to which the bulk of the Clergy throughout the realm had been moſt accuſtomed: and which, no doubt, was preſerved by moſt of them in bidding the beads under King *Henry* VIII's order. †

And,

* It is the ſame that had been in uſe for ſome years in bidding the beads, the form of which was, *Ye ſhall kneel downe on your knees, and lyfte up your hertes, makyng your prayers unto Almyghty God for the good eſtate and peace of all holy Churche, &c. — Alſo ye ſhall praye for the holy land,* &c. — *For all theſe, and for all chryſten men and women, ye ſhall ſay a Pater Noſter and an Ave Maria,* &c.

This form, which is a long one, will be found in the *Hiſtory* of the Reformation; but is more correctly given by *Strype* in his App. to the 1ſt Vol. of *Memorials*, No. 37. under the title of *The bedes on the* Sunday *as anciently uſed.*

† The ancient form, juſt now mentioned, had been reprinted, in a book called *the Feſtival*, ſo late as 1532, two years only before the King's order for the beads. *Strype's* Mem. Vol. I. p. 138. And, if that had not been a ſufficient direction to the inferior Clergy, care was taken they ſhould not want one. For, in the book framed for Curates, abovementioned, in 1535, certain alterations were made, purely for their uſe, by *Thomas Bedyll*, clerk of the council, of which he himſelf gives this account: *In the beginning*, ſays he, *where it is written, they ſhall preach and declare, I have altered it through*

And, though the Biſhops* and Preachers might be indulged in the liberty of framing their own exhortations, as heretofore, pro-

 vided

through the book thus :—I declare unto you, or thus, ye ſhall underſtand. For elſe I ſuppoſe many of the Curates be ſo brute, that they would read or ſpeak every word as it was written, and ſay of themſelves in the pulpit they ſhall preach and declare, &c. A notable inſtance how much accuſtomed to preſcribed forms the Curates were; as well as a ſad inſtance of the neceſſity of *preſcribing* to ſupply their ignorance. See *Bedyll's* letter to the King's viſitors, at length, in the Appendix to *Strype's* 1ſt Vol. of *Mem.* No. 55.

Let this only be farther added, that, in the articles for the Royal Viſitation in 1547, under the head relating to Parſons, Vicars, and Curates, there is the following Item, viz. *Whether they bid the beads according to the order preſcribed by our late ſovereign Lord, King* Henry VIII. *Strype's Memorials* of King *Edward,* p. 51.

* The practice of the Biſhops, under theſe Injunctions by King *Edward* VI. ſeems to have been the ſame as under King *Henry's* order. For, we find Biſhop *Gardiner,* in the year 1550, (three years after the Injunctions were ſet forth,) bidding the prayers in his Majeſty's preſence in theſe words :— "Moſt honourable audience, I ſhall deſire you all that "we may jointly pray together for the aſſiſtance of his (God's) "grace; in which prayer I commend to Almighty God "your moſt excellent Majeſty, *&c.*" Concluding, at laſt, in this manner, *for theſe things, and for grace neceſſary, I ſhall deſire you to ſay a Pater Noſter.* Heylyn's Hiſt. and Miſcel. Tracts, p. 155.

Another inſtance of the ſame kind and in the ſame year we have in a ſermon of Biſhop *Latimer's,* at *Stamford, Oct.* 9. In which, immediately after his *Exordium,* his bidding of prayer ſtands thus in his printed works, p. 88.—"And, that I may "at this time ſo declare them as may be for God's glory, "your edyfying, and my diſcharge, *I pray you all to help me "with your prayers.*

"*In the which prayer,* &c. For the univerſal Church of "Chriſt, *&c.* For this and all other graces, *let us ſay the "Lord's prayer.*"

It

vided they did it to the ſame effect with the Injunction, yet there is no reaſon to ſuppoſe but that the non-preaching Miniſters throughout the realm would be as content to uſe a preſcribed form of bidding prayers as to read a Homily. And, as it doth not appear, that the Biſhops and Preachers did, at any time in all this reign, or for ſome years afterwards, convert the exhortation into a prayer or invocation, much leſs can it be preſumed, that the Curates and inferior Clergy ſhould offer at ſuch a change. Or, if they had, that they would have been allowed in

It is obſervable of both theſe Biſhops, that they end with the Lord's prayer, and indeed refer to it as a neceſſary appendant of their exhortation, though it be not directed in the form to be ſaid. From whence may be inferred, that the form of bidding did ſo evidently require the Lord's prayer to follow it, and cuſtom had ſo ſtrongly eſtabliſhed the uſage, that it was needleſs to make particular mention thereof.

There is indeed an inſtance quoted of bidding prayers under this Injunction, wherein it is not ſaid that the Lord's prayer was repeated in the concluſion, but only *hic factæ ſunt tacitæ preces.* This is from *Bucer*'s *Scripta Anglicana*, wherein Dr. *Parker*'s ſermon at the funeral of *Martin Bucer*, in 1551, is tranſlated into *Latin*. At the end of which he bids the prayers in a rhetorical way, but in ſubſtance according to the Injunctions. And at the concluſion it is only ſaid, that *prayers were put up in ſilence.* From whence Dr. *Heylyn* infers, that the Miniſters did not always uſe the Lord's prayer, *but that the people were left to recollect the heads recommended to them, and tacitly to* repreſent them to the Lord in their devotions. *Hiſt.* and *Miſcel. Tracts*, p. 154.

But it may well be queſtioned, whether there be ſufficient authority for this concluſion, from the bare omiſſion of the Lord's prayer in this paſſage. It may ſtill be preſumed to have been uſed on that occaſion, after ſome pauſe for ſecret prayer.

ſo

ſo doing. For, if they were not to be truſted with a liberty of preaching, how much leſs with a liberty of prayer?

WE come, in the next place, to the Injunctions of Queen *Elizabeth* in 1559. At the end of which there is another order of the ſame tenor with King *Edward*'s, but ſomething diverſified. It is intitled now, *The form of bidding the prayers to be uſed generally in this uniform ſort.* Upon which title a query preſently ariſes, whether *generally* is to be underſtood without any *exception*, and *uniform* without any *variety?* Of which the readieſt ſolution that occurs to me is this, *viz.* That the conſtant and known uſage of the Clergy, in thoſe times, would ſufficiently aſcertain the meaning of this title: that it was intended to confine the *generality* of the Clergy, that is, the non-preaching Miniſters, to the *invariable* uſe of this very form; but that it left the Biſhops and Preachers to the liberty they enjoyed before, of framing their own exhortations to the people upon the tenor of this form. Which begins with, *ye ſhall pray for Chriſt's holy Catholic Church*, and ſo on to the end, almoſt *verbatim* with our preſent Canon; ſaving that the words at the end, *always concluding with the Lord's prayer*, were not as yet added.

Now what I am principally concerned to obſerve upon this order of Queen *Elizabeth*'s, of which of our Canon is no more than a re-

publication, is this: that it never was intended to be made uſe of *in the form of a prayer*. For the proof of which I need only mention theſe two things.

FIRST, that the uſe of any prayer whatſoever in public, otherwiſe than was appointed in the ſervice-book, was prohibited by the act of Uniformity, which paſſed a little before theſe Injunctions were publiſhed. And it is not to be conceived, that the compilers of them ſhould ſet forth an order that ſhould interfere and claſh with that act of Parliament.*

SECONDLY, that the additions, made to King *Edward*'s order in this of Queen *Elizabeth*'s, are ſuch as cannot with any propriety be inſerted or made uſe of in an addreſs to God: and therefore never were deſigned to be the form of a prayer. As, for inſtance, here is a definition of the Catholic Church introduced in theſe words, *that is, for the whole congregation of Chriſtian people diſperſed throughout the whole world*; which, however

* The clauſe referred to is this, — If any manner of Parſon, Vicar, or any other Miniſter, ——— ſhall wilfully ——— uſe —— any other *open* prayers than is mentioned and ſet forth in the ſaid book, [by open prayer, in and throughout this Act, is meant that prayer which is for others to come unto, or hear, either in common Churches or private Chapels, or Oratories, commonly called the ſervice of the Church,] ——— he ſhall loſe and forfeit to the Queen's Highneſs,——for his firſt offence, the profit of all his ſpiritual benefices, &c.

Act. Uniformity, primo Eliz.

proper

proper for the inſtruction of the people in an exhortation to prayer, that they might know what they prayed for, as Proteſtants, under the term *Catholic Church*, yet is by no means proper in a form of invocation.

So again, in giving the liſt of the Queen's royal titles, the addition of the *Kingdom of* France, and of *Defender of the faith*, which were not in King *Edward*'s order, however juſt, as civil diſtinctions, to be owned and preſerved by the ſubject, are highly unſuitable to the nature of an addreſs to Almighty God. In all our other public offices of prayer, you may obſerve a great decency and moderation in ſetting forth the Royal Prerogatives: when we mention our Prince, it is under theſe terms, *our moſt gracious ſovereign Lord*, or, *thy ſervant, our moſt gracious King and Governor*. Or, at the moſt, *thy choſen ſervant, and our moſt religious and gracious King*. But now, in this injunction, all the characters of the imperial crown are diſplayed, and uſhered in with the greateſt pomp. It is the *Queen's moſt excellent Majeſty, our ſovereign lady* Elizabeth, *Queen of* England, France, *and* Ireland, *Defender of the faith, and ſupreme Governor of this realm, as well in cauſes eccleſiaſtical as temporal.* Doth this comport with the idea of a ſupplication at the throne of Grace? Can we plead before God a title of this crown given by the Pope to King *Henry* VIII. for writing a book in

defence

defence of the Church of *Rome*; or a claim of this crown to a neighbouring Kingdom, which, though once in ſome meaſure conquered, was yet never obtained or poſſeſſed? If it be ſaid that theſe very words might not be deſigned to be put into a prayer, as being incongruous, but only ſomething to the general effect thereof; I would aſk, why then were theſe very words ſuperadded to the form appointed by King *Edward?* If they might be at all diſpenſed with, they were ſuperfluous. But, if they made a neceſſary part of the form, it could not be meant as a form of prayer, becauſe the ſtyle and diction forbid ſuch a conſtruction.

YET, notwithſtanding, it muſt be owned, that the uſage of prayers before ſermons began to prevail in this Queen's reign. But ſtill this will make nothing againſt the meaning or authority of this Injunction, when we remember that ſuch practice took its riſe from the Puritans, who ſtudied rather to imitate the inſtitutions of *Calvin* at *Geneva*,* and *Knox* in *Scotland*, than conform themſelves to the eſtabliſhment at home. † They excepted

* *They were for nothing but* Geneva *pſalms and ſermons, condemned the Common Prayer, and the whole conſtitution of the Church.* Biſhop of *Norwich*'s Articles againſt Sir *Robert Jermyn*, &c. *Strype*'s Annals, 2 *Eliz.* Vol. III. p. 20.

† In their book of Diſcipline were theſe articles concerning preaching.

" 1. To

cepted likewiſe againſt certain expreſſions in the bidding-form, as that of the Queen's being *ſupreme Governor* * of the Church, and that of *Archbiſhops and Biſhops*;† and alſo againſt the uſe of the Lord's prayer; ‡ all which

" 1. To appoint a pſalm before and after ſermon.
" 2. To make confeſſion of ſins, and to pray for the good " delivery of the word, and receiving it.
" 3. To pray after for all eſtates, and for a bleſſing upon " the word received."

Taken out of *Thomas Cartwright* and others their anſwer to the bill againſt them in the Star-Chamber, 1591.

Strype's *Whitgift*, App. to B. 4. No. 4.

When *Robert Wright*, the Puritan, was charged, that *in preaching he uſed to ſay prayers of his own deviſing*, he anſwered, that *he prayed as preachers uſed to do in all places*, and *altogether in preſcript words: but as the occaſion fell out in ſome points. Yet he ever prayed for the Queen's Majeſty, and for the Lords of the Council, and for all Miniſters of God's word.* Strype's Annals of Queen *Eliz.* Vol. III. p. 124. And Appendix, No. 23.

* By this confeſſion it may appear how the Puritans dealt with the *bidding-form*.

1. They changed it into a prayer. This was the *Geneva* way: and according to their book of diſcipline.

2. They dropped therein ſome things that gave them offence, as the Queen's title of *ſupreme Governor*, holding that *there is no head or ſupreme Governor of the Church of God but Chriſt*. Strype's Annals *Eliz.* Vol. III. p. 579. Much leſs could a woman be ſo. — *Forget the glorious title of ſupreme Governor, for that cannot agree with your ſex.* Luther *and* Calvin *did not allow it; the Puritans ſmile at it; and the Catholic World doth condemn it.* Parry's Letter to Queen *Eliz.* from the Tower, 1584. Third Vol. Annals *Eliz.* Appendix, No. 46.

† To pray likewiſe, or bid prayer, for *Archbiſhops and Biſhops*, went againſt them: as being the ſtyle of an Hierarchy not appointed in ſcripture.

‡ And, laſtly, they were againſt the uſe of the Lord's prayer, as a ſet form, which yet was neceſſarily to be uſed by

which they could evade and model to their own minds, by the device of a prayer inſtead of an exhortation. To what degree this practice might ſpread among the Preachers and Lecturers in thoſe times, many of them being puritanically inclined, I cannot ſay: * nor is it to our purpoſe to enquire, ſince there is no doubt to be made, either of the intention of the Injunction, or that all the Clergy,† who paid any regard to it, or made it the rule of their practice, fulfilled it in the bidding-form.

WE

by thoſe who complied with the Queen's Injunction in the bidding way. The Puritans, called the *Barrowiſts*, firſt maintained, *that it was not lawful to uſe the Lord's prayer publicly in the church for a ſet form of prayer.* Strype's Annals of Q. *Eliz.* p. 143. See more of this confeſſed by *John Dove*, Annals of Q. *Eliz.* Vol. III. p. 579. As that *in their conventicles they uſe not the Lord's prayer, nor any form of ſet prayer. To that which is alleged that we ought to ſay the Lord's prayer, becauſe our Saviour Chriſt ſaith,* When you pray, do you ſay thus; *they anſwer, he did not ſay* read thus, or pray theſe words, *for, that place is otherwiſe to be underſtood: namely, all our petitions muſt be directed by this general doctrine.*

* Dr. *Heylyn* quotes an expreſſion of a Preacher, from *Bancroft's Dangerous Practices and Poſitions*, in theſe words: "Ego "ſingulis ſabbatis, ſi non alius adveniens locum ſuppleat, "(cum preſcriptâ liturgiæ formulâ nihil habens commercii,)in "cœtu concionem habeo." *And what he profeſſed for himſelf was then the practice of many more.* Heylyn's Miſc. Tracts, p. 156.

† Dr. *Heylyn* quotes enough out of the works of thoſe great men, Biſhop *Jewell* and Biſhop *Andrews*, to ſhew that they followed the exhortatory way, according to the Injunction. And the ſame may be taken for granted of all the Eccleſiaſtical Commiſſioners, (who were the moſt eminent among the *Engliſh* Clergy;) thoſe eſpecially, who, in their directions to

all

WE are now come up to the queſtion in hand, concerning the meaning of our preſent Canon, with all the advantages that the hiſtory of it can give us. And I ſhall have little more to do than to collect together, in the cloſeſt manner that I can, what is, or may be, ſaid on either ſide, to ſupport the practice of *a prayer before ſermon* in ſome of us, and of *an exhortation* in others.

THE advocates for a prayer have thus much to allege for it, that the few additions made in this Canon of 1603, and the new title given to it, whereby alone it differs

all Church-wardens, &c. in the 13th year of the Queen's reign, inſiſted, among other things, upon this, that they ſhould *in no wiſe ſuffer any perſon or Miniſter to ſay any public prayers, in any of their churches or chapels, otherwiſe than is appointed by the Common Prayer.*

I find, indeed, Archbiſhop *Sandys* concluding a ſermon, at St. *Paul*'s Croſs, on a public Thankſgiving, with a large prayer of Thankſgiving. *Which*, ſays Mr. *Strype*, *may deſerve remark.* Annals of Q. *Eliz.* Vol. III. p. 327. Yet he probably uſed the form of bidding before ſermon, as others did. I find likewiſe, in a book publiſhed in 1566, and peruſed and allowed by Authority, by *Thomas Becon*, intitled *A Poſtill, or ſermons for all* Sundays *in the year upon the Goſpells*, (to be read by Curates to their congregations,) *prayers compoſed*, to be uſed both before and after ſermon.—"To which poſtill," ſays *Strype*, "two prayers are added, either of them to be "ſaid before ſermon, a longer and a ſhorter, according to "the Miniſter's diſcretion; and another prayer or thankſgi-"ving to be ſaid after ſermon. Theſe prayers and theſe ſer-"mons were framed for Miniſters of leſs abilities to *invent* "and *compoſe prayers* and ſermons for themſelves."

Strype's Life of *Parker*, p. 228. The uſe of this Poſtill might be allowed unlearned Curates, as was alſo the uſe of *Bullinger's Decads*, tranſlated for the ſame purpoſe. But neither of them were of equal authority with the Queen's Injunctions.

from the former Injunction of Queen *Elizabeth*'s, are ſuch as ſeem rather deſigned to countenance prayer, a practice already introduced by cuſtom, than to prohibit and exclude it.

THEY obſerve, for inſtance, that the title of the Canon is no longer *the form of bidding the prayers*, but *the form of a prayer to be uſed by all Preachers before their ſermons*. And, in the *Latin* title, *formula precationis à concionatoribus imitanda*. And, though the general ſcheme of the prayer which they are to follow be afterwards laid down in the body of the Canon, in the very ſame terms in which prayers were formerly bidden, yet the title, by denominating the whole *the form of a prayer*, ſufficiently determines the nature of the compoſition to be made and uſed by the Preacher.

THEY obſerve, farther, that the words of the preamble, which were added at the ſame time with the title, may be looked upon as farther explaining in what ſenſe the old bidding form is now to be accepted: *Before all ſermons*, &c. *Miniſters ſhall move the people to join with them in prayer in this form or to this effect*. The *Latin* hath it, *ut ſecum in precibus concurrat in hunc aut ſimilem modum*. That this ſentence is as literally and as grammatically conſtrued, by interpreting it of the Miniſters *praying in this form or to this effect*, as it is by underſtanding it of his *moving* the

people

people *in this form or to this effect.* The only difference will be, that, if it be taken in the former acceptation, the words immediately following, *ye ſhall pray*, muſt neceſſarily be expounded as an injunction upon the Miniſters to form their prayers upon the heads there laid down. That, by thus changing the ſubjects of theſe clauſes of direction, and transferring the application of them from the people to the Preachers, the whole is conſiſtent with itſelf, and accords extremely well with the title; in which no mention is any longer made of *bidding*, as ought to have been, had the old form been yet retained to that uſe and purpoſe.

AND, farther, that the addition of the Lord's prayer, by an expreſs command at the end of the Canon for its perpetual uſage, correſponds with the foregoing directions: and might be enjoined for this reaſon, leſt it ſhould be diſcontinued or thought ſuperfluous by this alteration made in the whole meaning of the Canon. That it had not been held requiſite to ſubjoin it expreſſly to an exhortation, becauſe it ſeemed to be a neceſſary appendage to ſuch a form, being the ſummary of all that the people had been *bid* to pray for. But, that reaſon ceaſing upon this change, it appeared to have been ordered on another account, *viz.* to ſupply the defects of the Miniſter's addreſſes, and

ſhut up in a moſt comprehenſive form his imperfect prayers.

AND this whole interpretation of the deſign of the Canon is not only ſupported by the prevailing practice of the Clergy throughout the realm, but confirmed in the 6th article * of his late Majeſty's directions to the Metropolitans and their Suffragans in the year 1714, wherein, by way of animadverſion upon thoſe who uſe only the Lord's prayer, with a collect perhaps, before ſermon, and by that means totally omit his Majeſty's titles, it is obſerved, that the Canon preſcribes the Lord's prayer as the concluſion only *of the prayer* before ſermon, and not *the whole prayer*, and therefore the Clergy are required from thenceforward, in *their prayers* before ſermon, to obſerve the Canon ſtrictly. And this may be looked upon as an authoritative interpretation of the Canon, coming from the ſupreme Head of the Church, and tranſmitted from thence to the Clergy by the Archbiſhops and Biſhops, who are *Cuſtodes*

* Whereas we are credibly informed, that it is the manner of ſome in every dioceſe, before their ſermons, either to uſe a collect and the Lord's prayer, or the Lord's prayer only, (which the 55th Canon preſcribes as the concluſion of *the prayer*, and not the *whole prayer*,) or at leaſt to leave out our titles by the ſaid Canon required to be declared and recognized: We do farther direct, that you require your Clergy, in *their prayer* before ſermon, that they do keep ſtrictly to the form in the ſaid Canon contained, or to the full effect thereof.

Canonum; the perſons inveſted with proper powers to ſee them duly executed.

HERE you have, as I think, the ſtrength of all that is to be ſaid on this ſide of the queſtion. Let me now do equal juſtice to the maintainers of the other opinion.

THEY will tell us, that this 55th Canon, being beyond all controverſy a repetition, or a revival, of a former Injunction, cannot be ſuppoſed, at leaſt ſo far as it is word for word the ſame, to expreſs a new intention, or to warrant a new practice, and ſuch a practice as was contrary to the act of uniformity then in force. And that to expound it in a different ſenſe from that conſtitution, of which it is properly the reſtorative, is quite arbitrary, and without any reaſonable foundation. That the few additions made to it in 1603, which have given the handle to pervert its meaning, are, when rightly underſtood, farther explanations of its primitive intention: and ſerve only to ſecure it againſt the liberties that had been taken with it; eſpecially that of deviſing prayer before ſermons, which was growing into uſe very faſt in the beginning of King *James*'s reign.

EVERY one, who reads theſe Canons, will perceive, that in them all both Preachers and Non-Preachers are recalled to their reſpective duties, and have their ſeveral provinces aſſigned them. They are diſtinguiſhed, in this very Canon, from each other by the names of

Preachers,

Preachers and Miniſters. A diſtinction that had been needleſs, if the Canon had not expreſſly required this form to be uſed before all Homilies, as well as before all Sermons and Lectures. The Curates and Readers, who are here called the Miniſters, were confined to the uſe of Homilies, and might not deliver in public any compoſitions of their own: and therefore were obliged to uſe the ſame form of exhortation as laid down in the Canon, which had been preſcribed them by Queen *Elizabeth*. But, on the other hand, *the Preachers* (by which, all along, in theſe Canons, are meant the Biſhops, and Clergy with preaching licences) are allowed the ſame liberty of diverſifying the expreſſions of their exhortations, which they had formerly been indulged in. And to them it is permitted *to move the people to join with them in prayer*, either *in the form* preſcribed, *or to the effect* thereof; with a caution, however, to uſe brevity.

AND this will help to explain the title of the Canon: formula precationis *à concionatoribus imitanda*. Why not, alſo, *à miniſtris imitanda*, who were equally concerned in the Canon, and were perhaps by ten to one the majority? Why, I have given you the reaſon; the Canon was to them the ſame, word for word, that it had been from the year 1559, viz. *a form of bidding prayers generally to be uſed in that uniform ſort*. So that proviſion

is

is hereby made for the regular practice both of Preachers and Readers. And, as the title of Queen *Elizabeth*'s Injunction, juſt now mentioned, related immediately to Readers only, but not ſo as to releaſe Preachers from their accuſtomed conformity to it; ſo the title of this Canon relates immediately to Preachers only, but not ſo as to give liberty to the Readers to break through the limitations preſcribed them.

THE only thing remaining to be accounted for is, why the Canon ſhould be intitled *a form of prayer*, or *formula precationis*; to which it may be anſwered, that, how improper ſoever this title may ſeem for an exhortation concluding with the Lord's prayer, yet, if it be remembered, that we meet with it in a body of Conſtitutions grounded upon former ordinances, and adapted to them both in matter and expreſſion as much as poſſible; and that, in a former order, to which this Canon particularly relates, there is the ſame ſeeming inaccuracy of phraſe, *viz.* that *the Preacher, in bidding of the beads, ſhall pray*, by which no more was meant than his uſage of the Lord's prayer, after having briefly recited the points to be ſummed up in that compreheſive form; I ſay, when this is taken into conſideration, there will remain no difficulty in interpreting *formula precationis*, according to the old ſtyle, *a directory of prayer*, or a ſummary of thoſe heads or articles which

are

are proper to be included in our wiſhes and deſires in our public uſage of the Lord's prayer before ſermon. And, for this reaſon, even Queen *Elizabeth*'s bidding-form hath been, on occaſion, ſtyled *a prayer*, * which may the eaſier reconcile us to that ſort of canonical language, if we meet with it ſo late as in the King's directions in 1714 abovementioned, wherein his Majeſty required of the Clergy, that *in their prayer before ſermon they ſhould keep ſtrictly to the form contained in the Canon*, when yet that form is neither a *prayer* itſelf, nor convertible with propriety into a prayer, *if ſtrictly kept to*, in thoſe points eſpecially which *the Canon* (as is obſerved in the ſaid directions of his late Majeſty) *requires to be declared and recognized*. A difficulty more likely not to be attended to than eaſy to be got over by thoſe who interpret this direction of *a prayer* properly ſo called.

* In the collection of *Dudley Fenner*'s ſentences, made by Lord Treaſurer *Burghley*, (*Strype*'s life of *Whitgift*, p. 124. ad an. 1583,) there is, towards the end, this following:

" *A ſupplement to* the Prayer *ſince the time of my Lord Arch-*
" *biſhop*,"— (meaning *Whitgift*,) viz.

" Ye ſhall pray alſo, that God would ſtrike through the
" ſides of all ſuch as go about to take away from the Mi-
" niſters of the Goſpel the liberty which is granted them by
" the word of God."

That this was meant of Queen *Elizabeth*'s bidding-form, is evident from the phraſe *ye ſhall pray*. And, being called a ſupplement to *the prayer*, it is evident that the ſaid form was known by that ſtyle.

IF, laſtly, it ſhould be aſked how it came to paſs, that the Lord's prayer, which was omitted in the former bidding-forms, ſhould be expreſſly commanded in this, if this was yet to retain the nature of an exhortation; they, who plead on this behalf, have their anſwer to give, as well as the advocates for prayer. For, they will ſay, that the practice of compoſing prayers, introduced by the Puritans, and coming into vogue when theſe Canons were drawn up, made it highly proper to cloſe this Canon with the advertiſement in theſe words, *always concluding with the Lord's prayer*, both to warn the Preachers that the Lord's prayer is never to be dropped before ſermons, of which omiſſion ſome of the Puritans were guilty; and alſo, and principally, to prevent their miſtaking an expreſſion in the preamble, where it is ſaid they ſhall move the people to *join with them in prayer*: which, leſt they ſhould be induced to miſinterpret of *a prayer* of their own compoſing, they are here taught to refer it, and apply it to the *Lord's prayer*, as the appointed concluſion of their form of exhortation. A caution which heretofore had been perfectly unneceſſary, and therefore not to be found at the foot of the old bidding-forms; but added, nevertheleſs, very ſeaſonably to this for the foregoing reaſon.

AND thus I have laid before you the arguments and motives by which the Clergy

have guided themſelves, though in a different conduct, in this yet-unſettled point. It were to be wiſhed, for the ſake of uniformity, that the matter were finally decided by ſome proper authority.* And, till it ſhall be ſo, I do not take upon me to cenſure the proceedings of any of my brethren in this buſineſs; unleſs it be of thoſe who can content themſelves, at all times, with the bare uſe of a collect before ſermon. They, who adhere to the very letter of the Canon, without any deviation from the expreſſions in it, ſave in the alteration of names in the recital of the Royal Family, are, no doubt, *canonum obſervantiſſimi*. Faction and party, which are ever unreaſonably cenſorious, may poſſibly lay hold on this ſacred adherence to form as a pretence of ſuſpecting and aſperſing them, as if they choſe rather to bid and require their audience to pray for the King and Royal Family than to offer up their own

* In the year 1661, there is found this entry in the journal of the upper houſe of Convocation: — Reverendi patres unanimi conſenſu & aſſenſu in votis dederunt pro *unicâ formâ precum* tam ante quam poſt ſermonem ſive orationem prædicatam uſitandâ & obſervandâ per miniſtros intra provinciam Cant. And that this order was purſued in Convocation, though not to effect, appears from the minutes of the lower houſe; where, *Jan.* 31, we find a committee appointed for this, (among other purpoſes,) to compile *a prayer before ſermon*. Biſhop *Gibſon*'s Cod. Vol. I. p. 381. Under the title of *the prayer before ſermon*.

Hence may be gathered in great meaſure the ſenſe of that Convocation on the preſent queſtion.

prayers

prayers on that head. And, ſome unthinking people may, perhaps, from a fooliſh delicacy, apprehend ſomething offenſive, if not indecent, in the uſe of a mere monitory form. But, this can only ariſe from their being unacquainted with the Canons, and the reaſons upon which they were originally framed, and now ſtand. For, there is room for neither of theſe exceptions, when the drift and uſe of the bidding-form is rightly apprehended.

AND, on the other hand, they, who throw the whole into *a prayer* before their ſermons, I mean *a prayer* properly ſo called, with ſuitable enlargements of their own, provided they keep to the order and effect of the canonical form, and do it likewiſe as the Canon admoniſhes, that is, *briefly as conveniently they may*, are by no means to be charged, on this account, with wilfully breaking or contravening the Canons: eſpecially as they may plead a plenary indulgence for what they do from the third claſs of Diſpenſations formerly treated of; that is to ſay, they may juſtify their own practice herein from a common cuſtom of the Clergy,* ſupported

* This cuſtom began to prevail early after the publication of the Canons. *Heylyn*, writing in 1637, tells us, *that the uſual form of bidding prayers was in a manner laid aſide by all ſorts of men*; among whom he reckons *ſome not otherwiſe ill-affected to the order of the Church. So that it was then* forced to plead its birthright, and ſeek for re-poſſeſſion as *ex poſtliminio*. Miſc. Tracts, p. 157.

by a general tacit allowance of all the Ordinaries of the realm; nay, what is more, countenanced and approved by the public example of many of the Bishops, if not of most of them, within the last age. *

NOR must I omit to speak a word or two in behalf of a third set of Preachers, who take, as it were, a middle way between the two former; and, instead either of abiding by the monitory form of the Canon closely and *verbatim*, which is too commonly disrelished by the auditors, or, on the other hand, using a prayer of intercession, which is against the tenor of the Canon, contrive, by a very honest policy, to disguise a real exhortation, by introducing it with an *oremus*, *let us pray*; the common invitatory sentence in all liturgic offices, and the most apposite expression that can be used for moving the people to prayer, as the Canon directs. By this prudent expedient, they avoid the imputation of requiring others to pray for what they care not to join in themselves, and yet preserve the true nature and mode of an exhortation. They literally comply with the directions in the Ca-

* But this was not to be said before the Restoration. For, according to Dr. *Heylyn*, *both the Archbishops* and *greater part of the Bishops used no other form than that of bidding or moving*; and *so did many ancient* Doctors, *both in the universities and in cathedral churches, who, being originally accustomed to the form of bidding, had not yet turned their style to a form of praying.* This is to be understood of their practice in the year 1637. *Ibid.* p. 152.

non,

non, and yet do not diſappoint or prevent thoſe who chuſe to take what they ſay in the form of a prayer from taking it and uſing it as ſuch.

IT is of no conſequence at all to the ſubject for me to diſcover my own private opinion, (if it is not already collected from what I have ſaid,) which of theſe three ways ſhould be preferred as moſt eligible. Nor yet need I make any ſcruple of owning, that I have eſpouſed in my own conſtant practice, from the beginning, this laſt way of accommodation juſt now mentioned. Not, indeed, relying therein altogether on my own judgement, (which is not much to be truſted now, but was leſs ſo when I firſt entered upon this practice,) but influenced by the ſentiments and perpetual uſage of ſome very wiſe and diſcerning perſons, whoſe authority, in ſuch a caſe as this, could not but have the greateſt weight with me. Nevertheleſs, I entirely leave you, my brethren, to your own ſenſe of the thing, and to act therein as, in your own judgement, you ſee beſt.

VISIT

VISITATION-CHARGE, *Anno* 1746.

DISCOURSE XI.

Upon the 56*th and* 58*th* Canons, *about Preachers and Lecturers, and their Habits in divine Service.*

Reverend Brethren,

THOUGH I have perhaps oftener tried your patience than given you ſatisfaction in what I have hitherto diſcourſed upon the Canons; being a ſubject neither capable of being ſo embelliſhed as to become entertaining, or of being ſo thoroughly cleared up, by any ſkill of mine at leaſt, as to be altogether free from doubts and exceptions; yet, as I do not know how I can better employ the time, which you are pleaſed to allow to the privilege of my office on theſe occaſions, than in purſuance of the ſame ſcheme of commenting on the Canons, in which I have now made ſome progreſs; I ſhall, by your leave, and without farther ceremony, proceed, as in due courſe and order I ſhould, to the 56th Canon, intitled, *Preachers and Lecturers to read Divine Service, and adminiſter the Sacraments twice a year at the leaſt.*

AND

AND let us enquire firſt into this diſtinction between *Preachers and Lecturers.* For, as we find *preaching and reading of lectures* often mentioned in the Canons as two diſtinct offices, one would imagine at firſt ſight that theſe terms, *Preachers and Lecturers*, were deſigned in this title to denote, as in other places, perſons appointed and licenſed to different functions. But the *Latin* title of the Canon forbids this interpretation, for in that they are indiſcriminately called *miniſtri merè concionatores.* Which character, being common to both, will admit of no farther diſtinction between them than this following, *viz.* that the former, ſtyled *the Preachers*, were thoſe perſons deſcribed in the Canons above, who had faculties to preach at large throughout a whole dioceſe or province, or throughout the whole kingdom: whereas the latter, ſtyled the *Lecturers*, were ſuch as had licence to preach only in ſome particular church or chapel.

BUT neither doth this diſtinction ſufficiently determine the perſons to whom this Canon principally relates. For they are farther deſcribed, in the body of it, by theſe following characters. The former are ſuch licenſed *Preachers* only as hold benefices with cure: *miniſtri in beneficio curato conſtituti.* And, the latter are ſuch only as the Canon ſtyles *concionatores ſtipendiarii*, perſons licenſed by the Biſhop to ſome particular church

or

or congregation, upon an eſtabliſhment of a ſalary independent on the cure of ſouls, whether *they read lecture*, (mind theſe words,) whether *they read lecture, or catechize, or preach, therein.*

IT may not be improper, on the mention of theſe three offices, to which Lecturers, or ſtipendiary Preachers, were appointed, to look back into the riſe and uſe of Lectures in this kingdom, and to ſhew how they became at laſt ſettled upon that footing on which they now ſtand.

IN the Popiſh times, there were Divinity-Lectures read publicly in the Univerſities. But, theſe were chiefly formed from the ſchoolmen, and conſiſted for the moſt part in comments upon *the ſentences*. The firſt, that deſerved the name of *Lectures* in Divinity, as being expoſitions of the Holy Scriptures, were begun, in *Cambridge*, about the year 1524, by one *Stafford*, * who was Univerſity-Preacher; that is, one of the twelve whom the Univerſity had a power of licenſing by a grant from the Pope. † And, as theſe Lectures were profitable for the ſtudents there, ſo we find a like method of inſtruction was introduced into the convents,

* *George Stavert*, alias *Stafford*, of *Durham*, B. A. 1515, choſen Fellow of *Pembroke-Hall*, &c. See *Strype's* Mem. Vol. I. p. 48.

† See his life of *Parker*, p. 193. and App. No. 35.

where

where perſons * were licenſed by the Biſhop to read Divinity. And the *Theological Lectures* in cathedral churches were of the ſame ſort, that is, intended for the uſe of Parſons, Vicars, and chantry Prieſts, who were enjoined to attend *the ſaid Lectures.* † And thus far they were ſufficiently diſtinguiſhed from ſermons or popular diſcourſes.

BUT, when they came to be introduced into pariſh-churches, in the great and populous towns, either upon the ſettlement of a ſtipend to ſupport a Lecturer, or upon the voluntary contributions of the inhabitants, under the licence of the Biſhop, it was natural to expect they would by degrees be converted into ſuch practical diſcourſes as the Preachers generally made. And ſo it hath proved in the event. For, though the name of *Lectures* is ſtill retained, yet they are become in effect one and the ſame thing with preaching; this difference only remaining, that *a Lecture* is *a Sermon extra ordinem*, performed by a ſtipendiary Preacher, as being no part of the duty incumbent on the Miniſter of the pariſh; and on ſuch days, or at

* *Shaxton*'s letter to *Cromwell*, relating to the Reader of Divinity in the Abbey of *Reading*, in his dioceſe, whom he had inhibited, on account of ignorance and falſe doctrines. *Strype*'s Mem. Vol I. App. No. 61.

† See King *Edward* VI's Injunctions to the viſitors of the churches of *Weſtminſter*, *London*, *Norwich*, and *Ely*. Strype's *Mem.* Vol. II. p. 47.

ſuch hours, as that they do not interfere with his offices and miniſtrations. What indeed comes the neareſt to the old deſign of Lectures, are thoſe that are appointed to be read yearly on particular ſubjects, as Mr. *Boyle*'s and Lady *Moyer*'s *Lectures*, and likewiſe ſuch *Catechetical Lectures* as are kept up by the Clergy in ſome large and populous towns.

BUT, to return now to the ſubject of the Canon:

IT is to be remembered, that, before and at the time of compiling theſe Canons, there were ſeveral licenſed Preachers who made it their whole buſineſs to exerciſe their talent that way, ſome of whom had benefices with cure, but were nevertheleſs allowed to have ſubſtitutes in their own churches, that they might the better attend the buſineſs of preaching abroad, Can. 47. Now it was only theſe men who had churches or cures of their own, where nevertheleſs they did not reſide, by virtue of their preaching-licences; and the ſtipendiary Preachers, who diſcharged an extraordinary duty in ſome particular churches where they had no cure; that are the perſons intended in this Canon under the title of *merè Concionatores*; and the deſign of the Injunction is plainly this, that neither the one nor the other ſhould hold themſelves exempt from the ordinary miniſtrations of the church, by virtue of their preaching-faculties:

culties: but that both of them ſhould give proof of their conformity to the eſtabliſhed ſervice and rites of the Church, and ſhould repeat that proof annually; *the Preachers* in the churches where their benefices lay, and the Lecturers in thoſe where their reſpective Lectures were founded.

AND the reaſon of this Injunction may be gathered from a circumſtance of thoſe times, which I have before taken notice of for the explaining ſome of the former Canons, *viz.* a prevailing puritanical diſpoſition in many of the Clergy, who, though they gladly executed the office of Preachers, yet were not ſufficiently reconciled to the book of Common Prayer and ſtated offices of the Church. Therefore, as thoſe Preachers who were beneficed, and kept Curates, might excuſe themſelves, under that pretence, for not officiating in their churches at all; and, as ſtipendiary Preachers in general had no concern in the cures, and were not obliged to any of the ordinary miniſtrations by virtue of their endowments; it was held proper to lay all theſe perſons under a ſpecial obligation, enforced by a penalty, to ſhew their conformity to the eſtabliſhed communion at leaſt twice in every year.

AND, in this reſpect, the Canon is ſubſidiary to the 54th, concerning the voidance of *licences* of *ſuch Preachers as refuſed conformity*; for, if certain times and places had not been

limited for a trial of their conformity, how could they have been admoniſhed for their refuſal? And eſpecially the Lecturers, who had no churches wherein they could claim a right of miniſtration, till this Canon gave a claim; whereby they can demand, of the parochial Miniſter, a liberty to read Divine Service, to baptize, and adminiſter the Lord's Supper twice in every year: and whereby, conſequently, the parochial Miniſter can demand this ſervice of them.

THERE was another uſe of this Canon, which I muſt not omit to mention; and that was, the calling every beneficed Miniſter, however licenſed to preach abroad, or however occupied in that work, twice a year at leaſt to his own cure; and obliging him, ordinarily ſpeaking, to attend it on two of the principal Feſtivals in the year; for, on thoſe only was the Sacrament of the Lord's Supper uſually adminiſtered in thoſe days. And, the like good effect it would neceſſarily have upon a pluraliſt, by obliging him to attend the cure, on which he did not reſide, on ſome two of the great Feſtivals of the year, if not oftener, for the ſake of adminiſtering the Sacrament of Baptiſm.

AND this I the rather take notice of here, as it is the only point in which we of the parochial Clergy ſeem to be concerned with the Canon at this time of day. For it is certainly a very ſeaſonable admonition to all of

us who are poſſeſſed of benefices, to attend our cures at certain times of the year, and, if poſſible, on the great Feſtivals, notwithſtanding we keep able reſident Curates. None of us, indeed, can be ſuppoſed non-reſident upon the reaſons of the Canon, that is, for the ſake of preaching abroad; what comes the neareſt to this is the caſe of beneficed Lecturers, who are abſent from their cures to attend their lectures: and ſuch would do well to conſider how far they ſtand admoniſhed, by the firſt clauſe of the Canon, to a yearly perſonal preſence in their own churches: neither is there that occaſion now to queſtion any Clergyman's approbation of the rites and uſages preſcribed in the Liturgy that there formerly was; and, therefore, *that*, which was the foundation of the Injunction, ſeems now no longer to ſubſiſt: (and, for this reaſon, I preſume, the Ordinaries are conſenting to drop all particular enquiries into this teſt of conformity:) yet, the viſiting of our own churches, in ſome part of the year, and doing ſervice therein, which was rendered neceſſary and indiſpenſable by the Canon, is nevertheleſs highly expedient and fitting to be done in our preſent circumſtances; though not as a teſt of our conformity, yet at leaſt as a duty that we owe to our pariſhes, and to the eſtabliſhed Communion to which we have engaged to conform ourſelves.

AFTER

AFTER all, ſo many of us, whether *Preachers* or *Lecturers*, as adhere to the letter of the Canon, and obſerve it punctually, do well. And they, who pay a regard only to the reaſon of it, by reading the ſervice and adminiſtering the Sacraments in their own churches, as opportunities do offer, though it may be not according to the very letter of the Injunction, muſt not be blamed; ſeeing they may plead that kind of diſpenſation which I have often before ſpoken of, *viz.* A general tacit allowance of our Eccleſiaſtical Governors, who do not inſiſt upon a formal diſcharge of theſe duties twice a year, with thoſe who anſwer all the ends of the Canon in a more complete, though perhaps a leſs punctual, manner. *For, it is not intended by our Canons*, as Archbiſhop *Parker* ſays, in a letter * to the Biſhop of *Norwich*, in 1571, *that every thing ſhould be ſo preciſely kept, but for the moſt part, and as occaſion of edification ſhould require.*

THE 57th Canon, which comes next in order, and is intitled *the Sacraments not to be refuſed at the hands of unpreaching Miniſters*, may be paſſed over, as the deſign of it was wholly and ſolely to guard againſt an error, which is neither held nor ſo much as thought of in theſe days, whatever ſcru-

* See *Strype*'s life of *Parker*, p. 337.

ples

ples might heretofore have been raiſed upon it.

AND, upon the 58th Canon, which enjoins *Miniſters, reading Divine Service and adminiſtering the Sacraments, to wear ſurplices, and graduates therewithal hoods*, I need ſay the leſs, becauſe it is ſurperſeded by the Rubric before the Common Prayer in 1661, which is ſtatute-law, and determines, that *all the ornaments of the Miniſters, at all times of their Miniſtration, ſhall be the ſame as they were, by authority of Parliament, in the ſecond year of King* Edward VI. So that the Injunction, concerning the habits and ornaments of Miniſters, which is at the end of King *Edward* VI's firſt Service-Book, with its explanation in the act of Uniformity by Queen *Elizabeth*, is the legal or ſtatutable rule of our church-habits at this day: * and is ſo far from being explained by this Canon, that it rather ſerves to explain the Canon itſelf: as I ſhall ſhew in an inſtance or two. For, firſt, this Injunction of King *Edward*'s, referred to in our preſent Rubric, though it requires the

* See *Wheatley*'s Rational Illuſtration, *&c.* Fol. p. 104. and *Bennet*'s Paraphraſe on the Common-Prayer, and on this Rubric, p. 2, 3, 4, 5, 6. And *Nicholls* upon the *order for Morning and Evening prayer*; and upon the 25th clauſe of the Act of Uniformity, *primo Eliz.*

See alſo what is ſaid in theſe Diſcourſes, *ubi ſupra*, p. 80, 81, 82. in the IVth Diſcourſe upon the Rubrics in general. Alſo by Dr. *Grey*, in his Abridgement of the Codex, p. 113.

ſurplice

ſurplice to be uſed in all pariſh-churches, and chapels annexed to the ſame, yet doth, in expreſs words, *give liberty to the Clergy to uſe, or not to uſe, the ſurplice during their miniſtration in all other places.* Which is an indulgence that the Canon doth not expreſſly give, and it may be ſome queſtion whether it can be fairly inferred from it.

AND, the other thing I would obſerve in the ſaid Injunction is, that no order is given therein concerning the uſe of the hood with the ſurplice *in pariſh-churches*, though the ſame is allowed to be uſed by dignitaries *in cathedral-churches*, and Maſters and Fellows of Colleges, being Graduates, in their own College-chapels. Therefore, as I take it, the clauſe in this Canon, which enjoins Graduates to wear the hoods of their reſpective degrees in pariſh-churches, is not ſtrictly binding; foraſmuch as the preſent Rubric, which is of later date, and deciſive of all queſtions about the habits in Miniſtration,* refers us to a rule by which the ſaid practice is not required.

BUT

* And yet there is a very great queſtion made about the true ſenſe of this Rubric itſelf. Dr. *Grey* imagines that it refers to King *Edward*'s ſecond Service-book. *It ſhould ſeem*, ſays he, *to be underſtood according to the alterations made in the ſecond book, 5th and 6th* Edw. VI. *For, the firſt Service-book enjoins, beſides ſurplices and hoods, at the Communion-Table, albs and tunicles, and to the Biſhop a paſtoral ſtaff.* Dr. *Bennet* ſuppoſes the ſaid Rubric to be limited by Queen *Eliz.* Advertiſements

BUT I do not mean hereby in the leaſt to except againſt the uſe of Graduates wearing their hoods in their ſeveral churches, for which not only a Canon, but a general cuſtom thereupon, may be pleaded, any more than I would condemn the diſuſe of copes, albs,

tiſements in 1564, and by her Canons in 1571; and by King *James* I's Canons in 1603. See his Paraphraſe, with Annotations, on the Common-Prayer.

Biſhop *Coſins* ſtands up for a complete reſtoration, and ſtrict propriety, of all the ancient miniſterial habits enjoined by King *Edward*'s firſt Service-book; (ſee p. 17 and 18 of the additional notes at the end of Dr. *Nicholls*'s Comment on the Liturgy.) Dr. *Nicholls* is of the ſame opinion, but expreſſes himſelf with more diffidence, only putting this queſtion, *if the ancient ornaments, and no other, ought not to be uſed at this day?* (ſee his note at the end of the Act of Uniformity in the firſt of *Eliz.*) Mr. *Wheatley* inſiſts upon the ſaid ornaments being enjoined by our preſent Rubric, but contents himſelf with obſerving that ſome of them are obſolete and grown out of uſe. (See his Rational Illuſtration.) The author of the Rubric examined (8vo, Lond. 1737) goes wholly in Dr. *Bennet*'s way, (p. 8, 9, 10, 11.) and takes for granted, that the Rubric is authentically limited by the Advertiſements in 1654, and Canons of 1603.

Now, under this variety of ſentiments about the ſenſe and extent of this Rubric, when it is ſaid *to be deciſive* about the habits, no more is meant than that it is *the rule*, however underſtood, by which our habits ought to be now regulated; (a point in which all parties agree;) and that no Canon ſhould take place in enjoining any thing contrary to it or inconſiſtent with it. But there is no way in which the Rubric can be ſo explained as to include the uſe of Graduates hoods in pariſh-churches, or of black tippets to non-graduates, during the miniſtration of Divine Service. The former being reſtrained to be uſed only in cathedral and collegiate churches and chapels, or by Graduates in the pulpit, both in King *Edward*'s firſt Service-book, and in the Queen's Advertiſements, 1564, and in the Canons in 1571. And in none of theſe is the uſe of the tippet once mentioned.

and tunicles, ſince both Canon and cuſtom may be pleaded for that diſuſe alſo. The whole truth of the matter is, that both the *uſe* of hoods, and *diſuſe* of copes and tunicles, are now ſo notoriouſly and univerſally allowed of by the Ordinaries, that, although neither of them could in ſtrictneſs be reconciled with the letter of the Rubric, yet we are not *bound*, at this time, to make any alteration in our practice. For, whatever our Governors in the Church do openly and conſtantly permit, and conſequently, by a fair conſtruction, approve of, whether it will be admitted as a good interpretation of Eccleſiaſtical Laws or not, yet there is no doubt it is a ſufficient diſpenſation for the continuance of the uſage, till farther order be taken therein; and more eſpecially in all doubtful or diſputable caſes, the reſolution of which is left to the Ordinary.

I CANNOT diſmiſs this article, without giving you another remarkable inſtance of the prevalence of cuſtom in theſe ſort of uſages, under the approbation of the Ordinary; and the rather, becauſe it is an inſtance that falls within the ſubject of the preſent Canon, and is alſo of peculiar conſideration to us of this dioceſe; in which alone it is to be met with. It is the *conſtant uſe of the ſurplice by all Preachers in their pulpits.* And it is ſaid to have taken riſe from an opinion of Biſhop *Coſins*, that, as ſurplices were

to

to be worn *at all times of the miniſtration*, and preaching was properly *the miniſtration of the word of God*, therefore ſurplices were to be worn in the pulpit as well as in the deſk, or on other occaſions of the Miniſtry.

ONE cannot ſpeak otherwiſe than with reverence and due reſpect to the authority of ſo great a ritualiſt as Biſhop *Coſins* was. Yet it is manifeſt there is nothing in our Rubrics that doth directly authoriſe this uſage, or in our Canons that doth countenance it; nay, there is ſomething in both which would diſcourage, if not forbid, ſuch a practice. The Canons limit the uſe of the ſurplice to the *public prayers*, and *miniſtering the Sacrament, and other rites of the Church*; ſo doth our Rubric concerning habits, if it be ſtrictly interpreted of King *Edward's* order in the ſecond year of his reign; for there the ſurplice is only to be uſed at *mattens, evenſong, in baptizing and burying in pariſh-churches.* And then there immediately follows this permiſſion, that, *in all other places*, every Miniſter ſhall be at liberty to uſe any ſurplice or not; and alſo a recommendation, to ſuch as are Graduates, *that, when they preach, they ſhould uſe ſuch hoods as pertained to their ſeveral degrees.* Here then is ſufficient warrant for uſing a hood without a ſurplice, as is done to this day at the Univerſities, but no appearance of authority for the uſe of ſur-

plices in the pulpit. If it be ſaid, that a cuſtom has prevailed over the Kingdom, for Biſhops to wear their habits of miniſtration whenſoever they preach, whether they officiate in other reſpects or not, and that the inferior Clergy cannot follow a better example; it may be anſwered, that what the Biſhops do in this reſpect is founded on ancient Conſtitutions. By the Canon-Law they were obliged to wear their rochets, as their diſtinguiſhing habit, whenever they appeared in public; though, ſince the Reformation, they have not uſed to wear them any where in public but in the Church and in the Houſe of Lords. And it is the more proper they ſhould continue the uſe of their public habit, whenſoever they preach, for the better diſtinction of their characters, on that occaſion, from thoſe of the inferior paſtors: ſeeing there is no ſufficient diſtinction preſerved in their ordinary habits.

ALL then that I would obſerve, upon this cuſtom of preaching in ſurplices, is, that none of us *are obliged to it*; though, at the ſame time, I intend no cenſure of the practice. For, it is certainly decent, and with us without exception, though it be no where authorized, otherwiſe than by a preſcription within this dioceſe.

I HAVE nothing more to add, upon the 58th Canon, than the obſervation of a great man

man upon it,* *that it did not well conſiſt with the* 14*th Canon*, which enjoins the Conformity of all Miniſters to the preſcript form of divine Service, Rites, and Ceremonies, in the Liturgy And, from what has been ſaid, you may gather from whence this exception againſt their conſiſtency is taken; for, it is moſt certain, that, whereinſoever the 58th Canon doth not well conſiſt with the general Rubric before morning prayer; as I have ſhewn, in one inſtance, *viz. the wearing hoods and tippets in pariſh-churches*, it doth not; therein, of conſequence, it will be found in the ſame degree inconſiſtent with the 14th Canon. But then it is to be noted, that, ſaving this ſingle inſtance, every other exception againſt this Canon is at leaſt as diſputable as the true meaning and extent of the rubrical order with which it ſeemeth inconſiſtent. And therefore, till it be fully agreed, (which at preſent it is not,) how the

* Speaking of the diſuſe of the ornaments preſcribed in the ſecond year of *Edward* VI. he proceeds thus:

If any man ſhall anſwer, that now the 58th Canon hath appointed it otherwiſe, and that theſe things are alterable by the diſcretion of the Church wherein we live; I anſwer, that ſuch matters are to be altered by the ſame authority wherewith they were eſtabliſhed; and that, if that authority be the Convocation of the Clergy, as I think it is, only that, *that the* 14*th Canon commands us to obſerve all the ceremonies preſcribed in this book, I would fain know how we ſhould obſerve both Canons.*

Additional notes at the end of Dr. *Nicholls*'s Comment. p. 18. This is ſuppoſed to be Biſhop *Overhall*'s.

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ſaid Rubric is to be interpreted, and how far it will conclude and determine our practice, (of which the compilers of our Canons might not have juſt the ſame ſentiments with ſome of our modern Ritualiſts,) it does not ſeem reaſonable to complain of a diſagreement or contrariety in our Canons.

VISI-

VISITATION-CHARGE, *Anno* 1747.

DISCOURSE XII.

Upon the 59*th* Canon, *concerning Catechiſing; and the* 62*d, concerning Marriages.*

Reverend Brethren,

IN purſuance of a commentary I am ingaged in, upon our preſent body of Canons, ſo far as they relate to the parochial Clergy, and the due exerciſe of their function in this eſtabliſhed Church; the next point I am to take in courſe is the order about Catechiſing in the 59th Canon: which is intitled, *Miniſters to Catechiſe every* Sunday, though the *Latin* title is only *Catechizandi diligentia miniſtris injuncta.* The order, however, given in the body of the Canon, whether *Engliſh* or *Latin*, is the ſame, viz. *that Miniſters ſhould catechiſe, not only every* Sunday, *but every holiday too.*

UPON which a queſtion would ariſe, how far we are bound to obſerve this order ſtrictly and according to the letter, if another queſtion did not offer itſelf to be firſt determined, and that is, whether we are bound by this Canon at all?

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THE reaſon of putting this query is evident. There is a Rubric in the Liturgy, at the end of the Catechiſm, for the direction of Miniſters in this matter; which is indeed properly the direction of the Canon new modified with reſpect to the Clergy, though the Injunctions on parents, maſters, and miſtreſſes, ſtand *verbatim* the ſame in both. The Canon ſays, the Miniſter ſhall catechiſe *every* Sunday * *and holiday*. The Rubric only ſays, *upon* Sundays *and holidays*: from whence, as I formerly obſerved † upon that Rubric, no obligation could be urged that Miniſters ſhould *catechiſe upon all* Sundays *and holidays*. In which I have the concurrent opinion of ſome of the ſtricteſt Ritualiſts.‡ The Canon farther enjoins, that it be done *before Evening prayer*;‖ but the Rubric ſays, *after the ſecond leſſon at Evening prayer*. The Canon requires it ſhould be continued for *half an hour*, § *or more*: the Rubric leaves the time for the performance indefinite.

UPON

* In King *Edward*'s ſecond Liturgies, the time ſpecified is *once in ſix weeks at the leaſt, upon ſome* Sunday *or holiday*. — In Queen *Eliz.* Injunctions, it is, *upon every holiday and every ſecond* Sunday *in the year*; Inj. 44. *Sparrow*'s Collection. See alſo *Wheatley*, Fol. p. 365. And *Gibſon*'s Cod. p. 452.

† Diſcourſe IV. *ubi ſupra*, p. 82.

‡ Additional notes on the Catechiſm, printed at the end of Dr. *Nicholls*'s Commentary, p. 58.

‖ And thus it ſtood alſo in the old Rubrics, viz. *before Evening Song*.

§ Pomeridiani temporis *horam primam* Miniſter explicando Catechiſmo tribuat, vel aliquid *et amplius* ſi videbitur. *Ref. Leg.*

UPON theſe accounts, Mr. *Wheatley* is at a loſs how to reconcile the Canon with the Rubric. * And ſo muſt every body be who compares them together. But, the comfort is, there is no need of any reconciliation when there is no need that both ſhould ſtand. The latter directions, ſuppoſing their authority only equal, would ſuperſede the former. The Rubrics, in all the old prayer-books till the laſt review in 1662, did agree with the Canon in this matter. But, as the alterations upon the reviſal then made of the Liturgy are more authentic and more binding upon us than the Canons are, we can be under no difficulty in determining by which of them to ſquare our conduct in this buſineſs.

WHETHER, indeed, theſe changes, made in the Rubric, have really been for the better, may be much doubted.† But, that we

Leg. c. 9. Omnibus Dominicis & Feſtis diebus, ſtatim a meridie præſto erunt in templis ibique *minimum ad duas horas* legent & docebunt Catechiſmum & in eo inſtituent, *&c.* Can. 1571. *Sparrow*, p. 233. The variety of theſe directions alone ſeems to be a good reaſon why *the time* ſhould not be preciſely fixed.

* Rational Illuſtration, *&c.* p. 365.

† The reaſon of the alteration was, that, the Catechiſm being performed in the midſt of Divine Service, the elder perſons, as well as the younger, might receive benefit by the Miniſter's expoſitions, *&c.* — But, the worthy perſons, who made this alteration, have been miſerably diſappointed in their good intentions; for, this very thing has drove Catechiſm almoſt out of the Church. *Nicholls*'s Comm. firſt part, at the end of the Catechiſm.

But perhaps this remark relates chiefly to the *London* churches.

are to abide by them, and not by the Canon, in this caſe, will I ſuppoſe admit of no doubt.

HOWEVER, let it be obſerved, that all that part of this Canon, that relates to the power of the Ordinary in cenſuring neglects of duty herein, whether it be in Miniſters, or in parents, maſters, and miſtreſſes, remains yet in its full force. With this only difference, that the neglect of Miniſters, to be cenſured by him, is not to be meaſured any longer by the rules laid down in the Canon, but by thoſe which were ſince enjoined by the Rubric.

THE two next Canons, (*viz.* 60 and 61,) reſpecting Confirmation, I ſhall intirely paſs over: the former of them, becauſe it relates to the Biſhops only; and the latter, which relates to the inferior Clergy, becauſe there is nothing, either in the deſign or wording of it, but what is ſo obvious, plain, and unexceptionable, that it needs no illuſtration.

I COULD wiſh, indeed, both theſe Canons were more ſtrictly and punctually obſerved than they are: becauſe the frequency of Confirmations injoined by the one, and the great care to be uſed for ſecuring the real benefits of it to our people enjoined us by the other, are as probable means as any I know of in the world to promote true Religion among mankind.*

BUT,

* I earneſtly entreat my brethren of the Clergy to conſider ſeriouſly the weight and excellence of theſe directions, and of

BUT, to proceed. The next Canon to theſe, relating to the ſolemnization of Matrimony, (being the 62d,) though it appears, on the firſt tranſient view of it, to be ſo plainly worded, that nothing ſhould ſeem needful to be ſaid by way of explication, and contains not only ſo ſevere, but ſo certain and unavoidable, a penalty,* in caſe of conviction, that nothing ſhould ſeem needful to be ſaid by way of caution; yet it muſt not be paſſed over without ſome reflections, which I flatter myſelf you will not think unſeaſonable.

THE Canon is diviſible into three parts, which will afford as many diſtinct conſiderations.

THE firſt part, or clauſe, is to this effect, which is alſo the title of the Canon; that *Miniſters are not to marry any perſons without banns or licence.*

THE ſecond part conſiſts of conditions to be obſerved in all Marriages, whether with licence or banns.

of what unſpeakable advantage it would be for the promotion of Chriſtian piety, if Confirmation were duly adminiſtered, and none but ſuch as are ſufficiently prepared were admitted to it, &c. &c. *Bennet's* Paraphraſe, *&c.* on the Com. Prayer, p. 213.

* This penalty of ſuſpenſion *per triennium ipſo facto*, though it will not take place till it be judicially declared, yet is not to be diſpenſed withal, or even mitigated, after the crime is proved.— And, becauſe this was not found ſufficient to deter ſome Miniſters from acting contrary to the Canon, it was farther enacted, in the 10th of Queen *Anne*, c. 19. That every Miniſter ſo offending ſhould forfeit for every ſuch offence the ſum of £100.

AND the third part is a farther condition to be obſerved in all Marriages of perſons under age.

AND all three of them are enforced by the ſame penalty, viz. *ſuſpenſion per triennium.*

I SHALL ſpeak to each of theſe in their order.

THE firſt point is general and abſolute, that we are to join none in holy Matrimony without banns or licence.

WHEREIN I would obſerve, that, by this Canon, a licence doth nothing more than barely ſupply the place of banns. It doth not make any other change in the rules of our miniſtration in the office of Marriage; it is only an equivalent to the previous publication of banns, or a certificate of ſuch publication in another pariſh. And therefore the true nature of a marriage-licence is commonly expreſſed in the *Latin* Canons by *bannorum legitima diſpenſatio*, * or by words to that effect.

* Theſe are the words in the title of the next (63) Canon. The like are uſed in the title of the preſent, *Miniſtri, ſine bannis ritè indictis*, vel *legitimè diſpenſatis*, matrimonium celebrare prohibiti.

They are elſewhere phraſed *Indulgentiæ* pro celebratione matrimonii *abſque trinâ* (vel trinundinâ) *bannorum denunciatione*. Artic. pro Clero. 1584. and Conſtitut. Eccl. 1597. *Sparrow*'s Coll. p. 194 and 249.

But the plaineſt and moſt natural expreſſion is in Canon 104. Quod ſi uterque contrahentium in viduitate conſtitutus *pro bannis omittendis diſpenſationem* petierit, &c.

IF it be ſaid, that the officiating Miniſters powers are ſometimes enlarged by virtue of the licence, or faculty, beyond what they are in the common way of Marriage by banns, I muſt beg leave to ſay that this is a miſtake,* though I do not deny that, in ſome licences, certain grants may occaſionally be found which have no footing of authority to ſtand upon. The truth is, both the Ordinaries and their Surrogates are limited in their powers by certain canonical reſtrictions, which if they break through, their licences are ſo far void and of no effect, neither will they indemnify Clergymen for acting upon them in any of the invalid articles.

WE are required in this Canon, which preſcribes our duty in regard to Marriages, to look upon nothing as a faculty, or licence, but *what is granted by ſome of the perſons expreſſed in theſe Conſtitutions*, viz. in the 101ſt Canon. And, by the ſame rule, we muſt look upon nothing as a legitimate diſpenſation, even from theſe authoriſed perſons, but *what*

* One would almoſt ſuſpect, indeed, from an expreſſion in this very Canon, viz. *when banns are thrice aſked, and no licence in that reſpect neceſſary*, that a licence might be neceſſary in ſome other reſpects,

But the *Latin*, which is often uſeful in aſcertaining the ſenſe of the *Engliſh*, will not permit any doubt to be made about the true meaning; for, it is etiamſi trina bannorum indictio præceſſerit, *nec ulla proinde diſpenſatio requiratur*, &c. viz. *Therefore*, (or *for that cauſe*, becauſe banns have been thrice publiſhed,) *no licence is neceſſary*.

is granted upon the conditions that are likewiſe expreſſed in theſe ſame Conſtitutions, viz. in the 102d and 103d Canons. So that a licence defective in the form is as inſufficient to our purpoſe as if it was granted by a wrongful power. If a licence, indeed, had the nature and force of a command, or was an authoritative order from our ſuperiors, we might not perhaps be allowed the liberty of excepting againſt the form of it, but ſhould be held to the execution of its purport. But, if you pleaſe to obſerve, theſe Marriage-licences, although they be granted in the moſt unexceptionable manner, and in perfect conformity with the Canons, yet they infer no command, no Injunction, to the Miniſter, to act upon them, but only a permiſſion to execute them, if he have no reaſons to diſapprove them. But nevertheleſs, if he be apprized of any legal objection, or impediment, why they ſhould not take place, then they become (as is notified in the tenor of them) formal prohibitions, or Injunctions to forbear the fulfilling of their purport, at leaſt till ſuch time as the Ordinary can be conſulted upon the ſuppoſed impediment. — From all which it appears, firſt, that a licence doth nothing more than prevent the neceſſity, or excuſe the omiſſion, of publication of banns. And, ſecondly, that any reaſons whatſoever, that ought to hinder or retard the ſolemnization of Marriage after banns thrice publiſhed,

will

will be equally good reaſons for refuſing or ſuſpending compliance with a licence where the like circumſtances occur.

AND ſo much of the firſt point.

LET us now take the ſecond into conſideration, which was the conditions to be obſerved by Miniſters in all Marriages, whether with licence or banns.

THE clauſe in the Canon is this:

"NEITHER ſhall any Miniſter, upon the "like pain, under any pretence whatſoever, "join any perſons, ſo licenſed, in Marriage "at any unſeaſonable times,* but only be- "tween the hours of eight and twelve in the "forenoon; nor in any private place, but "either in the ſaid churches, or chapels, "where one of them dwelleth, and likewiſe in time of Divine Service."

IN which clauſe there are two places to be corrected by, and not to be rightly underſtood without conſulting, the *Latin* Canon. For, whereas it is here ſaid, that *no Miniſter ſhall join any perſons, ſo licenſed, in Marriage*; the *Latin* hath it, *neque ullus Miniſter inter quaſlibet perſonas, (quantumvis ejuſ-*

* *Unſeaſonable times* have no relation here to the Popiſh Canons, by which Marriage was prohibited at certain times of the year, as *Advent*, *Lent*, &c. but only to unſeaſonable hours of the day.

See *Gibſon*'s Cod. p. 518. — *Wheatley* on the Common Prayer, Fol. p. 388 and 389.—And Dr. *Nicholls*'s Commentary on the Rubric before Matrimony, upon the words, *at the time appointed.*

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modi facultatem, ſeu indulgentiam, habentes,) quocunque prætextu, matrimonium ſolemnizabit. And the *quantumvis*, with what follows, relating to a licence, is included in a parentheſis. So that the plain meaning is, that he ſhall join no perſons whatſoever in Marriage (notwithſtanding ſome of them be licenſed) but on the following conditions.

ONE of which conditions, as expreſſed in the *Engliſh* Canon, is, that he ſhall not do it in *any private place, but either in the ſaid churches, or chapels, where one of them dwelleth.* The meaning of which muſt be, that he ſhall not do it any where but in one or other *of the ſaid churches, or chapels,* where one of the parties dwelleth, as is manifeſt from the paſſage as it ſtands in Latin, *ſed in eccleſiis tantummodo vel capellis ubi partium altera commoratur.*

THESE obſervations premiſed, we have three conditions here ſpecified to be obſerved by us in all Marriages whatſoever that we ſolemnize.

FIRST, that they be celebrated within the canonical hours. This neither needs a comment nor an admonition. The rule is plain, and the practice is generally conformable to it.

SECONDLY, that they be performed in the church, or chapels, where one of the parties dwells.

AND, thirdly, that they be ſolemnized in time of Divine Service.

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THESE two laſt are points of greater moment, though leſs obſerved, and therefore I muſt beg your leave to take ſome notice of them.

MARRIAGE, in the pariſh-church where one of the parties lives, is a ſtanding Injunction of ancient as well as modern Canons. Neither doth a licence diſpenſe with a Miniſter who acts contrary to this rule, as Mr. *Wheatley* well obſerves. It is true, faculties of Diſpenſation on this head were very early and very frequent here in *England*, but they were reſtrained at different times: as more particularly by the Conſtitutions in 1597, which enjoin the licences to be always directed to a pariſh-church where one of the parties inhabited.* From whence the ſame Injunction ſeems to be transferred into the 102d Canon, as a condition to be always obſerved in granting of licences,† and into this Canon we are now conſidering, as a condition to be always obſerved by the

* Under the article *de moderandis indulgentiis, &c.* — Præterea in ipſo diſpenſationis ſive licentiæ tenore eccleſia habitationis ſive commprationis alterius contrahentium vel parentum & gubernatorum ſuorum exprimatur. *Sparrow*, p. 250.

See alſo the form of a licence at the end of the ſaid Conſtitutions, where the blank for the name of the pariſh is filled up with — exprimendo eccleſiam alterius contrahentium vel parentum, aut gubernatorum.

† They ſhall celebrate the ſaid Matrimony publicly in the pariſh church, or chapel, where one of them dwelleth, and in no other place.

Clergy in executing thoſe licences. To the like purpoſe is a clauſe in the 104th Canon, *viz.* that the pariſhes where the parties dwell ſhall be expreſſed in the licence, and alſo the pariſh named where the Marriage ſhall be celebrated.* And, if any commiſſary for faculties, *&c.* ſhall offend in the premiſſes, or any part thereof, he ſhall be ſuſpended for ſix months, and the licence held void to all effects, *&c.*

NOTWITHSTANDING all which precautions, we may ſometimes meet with licences directed to a pariſh-church where neither of the parties dwell, nor have any the leaſt concern but how to get married there in the privateſt manner poſſible. No doubt this lays the Miniſter, to whom the licence is ſo reſpectfully directed, under a great temptation to tranſgreſs his rule, ſeeing the Ordinary, or his Surrogate, is the firſt in fault, and hath ſet him an example of irregularity in this matter.

BUT, not to go too far into this unwelcome ſubject, let us examine into the other condition required by the Canon to be obſerved in all Marriages of all manner of perſons, *viz.* that they be celebrated in time of Divine Service. *Tempore precum publicarum,*

* This is taken from the end of the form of a licence in Conſt. Eccleſ. 1597, *viz.* Parochiæ utriuſque contrahentis in licentiâ exprimendæ ſunt, ac parochia ubi matrimonium celebrabitur deſignanda. *Sparrow*, 291.

ſays

ſays the *Latin* Canon. What ſhall we ſay to this? All the Conſtitutions are full and expreſs, that Marriage ought ever to be performed *in facie eccleſiæ, in conſpectu populi*, openly and publicly as may be, for the greater notoriety and ſtronger teſtimony of the thing itſelf,* as well as for the greater ſolemnity of the performance of the ſacred rite. Our Liturgies always preſume it to be ſo performed; and mention is made in the Office, as it ſtands both in the old and in the preſent prayer-books, of a ſermon as well as of a communion at the time of Marriage. Nay, what is more remarkable, the licences do all preſume upon it too. They repreſent the parties *as very deſirous of obtaining their Marriage to be ſolemnized in the face of the church*, and *that the licence is therefore granted that*

* *Facie Eccleſiæ*, id eſt, conſpectu eccleſiæ; populi ſcilicet congregati in eccleſiâ.

Lyndwood upon a Conſtitution of *Walter*'s. See *Gibſon*'s Codex, p. 518.

And, if there could be any doubt of what is meant by *facies eccleſiæ*, or *conſpectus populi*, yet our Canon hath ſufficiently explained it by *time of Divine Service*. And ſo hath the Office itſelf, which ſpeaks both of a *ſermon* and a *communion* at the time of Marriage. In all the old prayer-books, till the laſt review, the Rubric, before the exhortation at the end of the Office, ſtood thus:

"Then ſhall begin the Communion, and, after the Goſpel "ſhall be ſaid, a Sermon, wherein ordinarily (ſo oft as there "is any Marriage) the office of a huſband and wife ſhall "be declared according to holy ſcripture, or, if there be no "ſermon, the Preſbyter, or Miniſter, ſhall read this that fol-"loweth."

ſuch honeſt deſires may the more ſpeedily have their due effect: they are granted alſo with this proviſo, among others, that the ſaid Marriage be openly ſolemnized, and freely, and lawfully, in the manner and form, and according to the rites and ceremonies, preſcribed in the book of Common-Prayer.

BUT now, if theſe manifold directions are generally ſo executed, that the Marriage can neither be ſaid to have been done in the *face* of the church, nor in *the ſight* of the congregation, nor *in time of Divine Service*, and therefore cannot properly be ſaid to be celebrated, or *ſolemnized*; if, inſtead of being performed openly and publicly, it is induſtriouſly contrived to be tranſacted in the moſt ſecret and clandeſtine manner; and the church itſelf, which ſhould lie open during all divine Offices, is made on theſe occaſions the moſt private, guarded, and inacceſſible, receſs, perhaps, in the whole pariſh; ſurely there muſt appear a ſtrange diſſonancy and contrariety between preſcription and practice. Nor will it ſeem an eaſy matter to account for ſo general a deviation from rule.

Mr. *Wheatley* indeed contents himſelf with ſaying, *that the practice, viz.* of having divine, or public, ſervice at Marriages, *is now almoſt by univerſal conſent laid aſide.* But, it would have been more ſatisfactory to have given ſome good reaſon why it is ſo.

To

To allege, that it is doing no honour to divine Service to introduce into it the levities which are too apt to accompany this particular Office, eſpecially when publicly ſolemnized, has the colour of a rational plea. It is reaſon enough, I muſt confeſs, to diſcourage any man from attempting to revive the old practice of open ſolemnizations in ſervice-time, but it is not the reaſon why the ſaid practice was at firſt diſcontinued. Our forefathers were not unapprized of the ſame inconvenience, * juſt now ſpoke of, attending upon open celebrations of Marriage, yet they made no alteration in their Conſtitutions: the benefits of notoriety were, in their ſight, more than a balance to theſe other complaints.†

No; the true reaſon, as I take it, of ſurceaſing all public ſolemnizations, muſt be traced back to the introduction of licences, which were firſt granted, and granted only,

* Matrimonium ſicut alia ſacramenta cum honore & reverentiâ, de die; & in facie eccleſiæ non cum riſu ac joco, ac contemptu, celebretur. *Walteri* Conſtit.—Vide *Gibſon*'s Cod. p. 518.

† Neque contracturi *in ſecreto fidem dent*, ibid. *Othobon* hath a Conſtitution, ne quis impediat matrimonium celebrari in *facie eccleſiæ*. The reaſon given is, per quam (*viz.* in conſpectu hominum ſolennitatem) prout expedit, omnibus innoteſcat. So in the Conſtitutions, *Articuli pro Clero*, in 1584, and *Eccleſiaſticæ*, 1597. Et ulterius quod matrimonii celebratio publice ac tempeſtive in facie eccleſiæ fiat. *Sparrow*, p. 195 and 249.

to perſons of rank and figure; * whoſe ſhineſs and delicacy in this nuptial ceremony, meeting with a correſpondent tenderneſs in the Governors of Eccleſiaſtical Affairs, gave the firſt riſe to ſpecial faculties for Diſpenſation of public banns. And thus the offence of the firſt publication was got over. What wonder, then, if the ſame kind of tenderneſs ſhould prevail, by degrees, upon the inferior Clergy too, to lend their aiding hand to ſoften the offence of notification on their part alſo; and, in ſhort, to make the Office as private and unſuſpected as poſſible?

AND, if this might be done for perſons of fortune and diſtinction, why not alſo for perſons of leſs quality and lower figure in life, or indeed for people of no rank or conſideration, if the Ordinary thought fit (for any other reaſons, though againſt Canon) to admit them to the like favour? And, if this might be done for perſons of no rank or figure, becauſe they could purchaſe the faculties, why not to all manner of perſons whatſoever, whether they came to be married with licences or not. Thus have the

* And to ſuch perſons only as be of good ſtate and quality. Can. 101.

Honeſtæ, claræ, ac illuſtris conditionis homines; ſive urgente aliquâ neceſſitate ſive aliis non contemnendis rationibus. *Art. pro Clero.* Sparrow, p. 194.

Nec vero aliis concedantur hujuſmodi indulgentiæ quam illuſtris & claræ conditionis hominibus, niſi urgens neceſſitas interceſſerit eaque judici cognita fuerit. *Conſt. Eccl.* 1597. *Sparrow*, p. 250.

breaches

breaches made in the Canons been gradually widened, and the ſolemnity of the nuptial ceremonies gradually ſtreightened.

IT was, to be ſure, almoſt an impracticable thing for the officiating Clergy to abide by their rules after faculties became common and were in faſhion. They who take them out aim always at privacy more than any thing beſides. And ſhall their Miniſter, to whom the faculty is directed, defeat their principal view at once? And, under pretence of a Canon, marry them in public and at church-time? This will not be endured. It will paſs for uſurpation and arbitrary power in the parochial Clergy. Neither will it be eaſy to make the parties underſtand how it ſhould happen, that the ſame Canons ſhould allow the Ordinaries to diſpenſe with public banns, and yet not to diſpenſe with a public wedding; or how the Clergy may be authoriſed to drop all publication of banns *in time of Divine Service*, and yet have no power to celebrate the Marriage itſelf out of time of Divine Service. Much leſs will they be perſuaded, that the licence itſelf carries in it, and along with it, this very thing which ſeems to them ſo inconſiſtent: for, whatever benefit of privacy they may expect from it, yet the plain ſenſe and effect of it, as it concerns the Miniſter, is this, *viz.* "You are indeed *permitted* hereby to marry "theſe parties *without publication* of the banns.

"But,

" But, take notice, you muſt *ſolemnize* the " Marriage *openly*, and *in the face of the* " *church*, and according to the rites pre- " ſcribed in the Common-Prayer book, and " publiſhed by authority of parliament."— For, otherwiſe, this licence is by no means your indemnification.

LET either the Miniſter or the parties remonſtrate, to the granters of theſe faculties, the invalidity of them for the main purpoſe intended in procuring them. The anſwer will be, that the Clergy are not bound by them; they are at liberty whether they will comply with them or not. Very true; and here lies the dilemma the Clergy are brought into by theſe licences; they muſt either neceſſarily break the Canons, or they muſt unavoidably quarrel with the beſt of their pariſhioners.

WELL, then, what have the Clergy to ſay for themſelves upon this article, of not ſolemnizing Marriages publicly, and in time of divine ſervice, as the Canons enjoin, and eſpecially in caſes of licences, which enjoin the public ſolemnization, as well as the Canon? I hope they have a better plea, than either the extraordinary fee that is cuſtomary on ſuch occaſions, or the certainty of exemption from the penalty under ſhelter of the licences. Theſe pleas would ſcarce ſuffice. But this they have to ſay for themſelves; *viz.* that they not only act ſafely herein,

herein, and unblameably in the eyes of men, having indeed the majority of mankind on their ſide, and acting herein according to every body's wiſh, but they have ſomething more than a tacit Diſpenſation from their own Ordinaries. That all theſe kind of compliments to the brides and bridegrooms were originally begun to be paid by their ſuperiors in the church, who have led them the way, and ſhewed them the example of ſuch extraordinary civilities on thoſe occaſions. That, if they were not to act in conſiſtence with thoſe ſuppoſed advantages which tempt people to take out licences, they muſt inevitably draw a clamour upon themſelves for a fault that was not their own, and not only ſo, but they would bring the licences themſelves into diſrepute, and render the acts of their Ordinaries of no value. That there is no reaſon, if the Canons muſt be ſtrained, why the rule ſhould not be made general, and be extended as an indulgence to all perſons equally, whether they be married with licence or only by banns. That their Church-Governors have not only, by their connivance at this privacy of weddings with banns, encouraged them, but by their frequent grants of licences, and allowance of the practice upon them, taught them to comply with the prevailing humour of the world, in a point which they ſhould neither have thought reaſonable nor defenſible, if the taſte and

mode of the age and a falſe notion of decency (kept up and ſupported by the acts of their Ordinaries) had not gradually got the better of diſcipline, order, and church-authority; and all right notions of decency.

ALL this I think the pariſh-miniſters may plead for themſelves; and, I believe, with all reaſonable and fair people it may be thought ſufficient. — One thing indeed I ſhould ever approve of, as a prudent piece of conduct with regard to licences, *viz.* to make uſe of our liberty in rejecting them as often as they are directed to pariſh-churches where neither of the parties do inhabit, and more eſpecially if they be ſtrangers, becauſe ſome latent reaſon for ſuch a proceeding is ever to be ſuſpected.

BUT, the conſideration of this will more properly fall under my third and laſt head, (when I ſhall have time, which I have not now, to ſpeak to it,) *viz.* that clauſe in this Canon, which expreſſes the condition which is required in all Marriages of perſons under age.

THIS, being a diſtinct ſubject, may well enough be detached from the foregoing, and ſhall be reſerved to be treated of in a future diſcourſe, if it ſhall pleaſe God to bring us together again, on the like occaſion, the next year.

VISI-

VISITATION-CHARGE, *Anno* 1748.

DISCOURSE XIII.

Continuation of Obſervations on the 62*d* Canon, *about Licences and Marriages.*

Reverend Brethren,

THE ſubject of my diſcourſe at this meeting was fixed at my laſt Viſitation, when I undertook to go through (on the firſt opportunity) with my remarks on the 62d Canon, in which I then made a good progreſs. And indeed nothing was left to be conſidered, now, but the laſt important clauſe, which contains the condition required to be obſerved by us in all Marriages of perſons *under age*.

CONCERNING which, let me firſt of all obſerve to you, that the prime point, which is aimed at in all the guards and ſecurities that have been contrived and thrown in from time to time, not only in Canons and Conſtitutions, but in acts of parliament, in order to prevent clandeſtine Marriages, is this, that no marriages of perſons under age ſhall ever be ſolemnized without the previous *con-*

ſent of parents, or *of guardians*, where the parents are not ſurviving. [*Sparrow*, p. 249, 250.]

BUT, among all the ways that have been yet deviſed for ſecuring this material point, there are none but what may be, and ſometimes are, evaded. The ſtrongeſt, and, in appearance, moſt effectual, way of ſecuring it, is the charge given to, and the truſt repoſed in, the officiating Miniſter, that he ſhall never ſolemnize a marriage of a minor, without being himſelf ſatisfied of their conſent who have a right of giving it. And, this is ſuch a proviſion of ſafety, that, ſo long as Miniſters are honeſt, and will do their duty as the Canons require, it is not liable to be defeated by any falſehood, art, or evaſion, whatſoever.

No wonder, therefore, we ſhould find ſo great a ſtreſs, and which might otherwiſe have ſeemed an unreaſonable ſtreſs, laid upon this very thing. That neither the expreſs conſent of the parents and guardians,* given by two witneſſes upon oath, at the granting of a licence, nor their ſaid conſent, implied by their acquieſcence under the publication

* See Can. 102 and Can. 103. It ſhall appear to the Judge, by the oaths of two ſufficient witneſſes, one of them to be known either to the Judge himſelf, or to ſome other perſon of good reputation then preſent, and known likewiſe to the ſaid Judge, that the expreſs conſent of the parent or parents, &c.

of

of banns on three ſeveral *Sundays* or holidays, ſhall be thought ſufficient; but the Miniſter himſelf, before he can proceed to ſolemnize the Marriage, ſhall have their conſent, either given him by themſelves perſonally, or ſignified to him by ſufficient witneſſes.

I MAKE the more particular mention of this ſpecial Injunction, becauſe I have reaſon to ſuſpect, that a great many of thoſe whom it concerns are apt to overlook it when they peruſe this Canon. And, indeed, with reſpect to minors having a licence, it is no wonder they ſhould, becauſe the *Engliſh* Canon is not rightly pointed, and diſtinguiſhed as the *Latin* is, nor doth it give the true and determinate ſenſe that was intended to be, and is, clearly expreſſed in the *Latin* copy.

THIS I had occaſion to take ſome notice of in my laſt diſcourſe; but am obliged, now, in order to clear up the point before us, to examine more cloſely into the difference that there is between the two copies.

BY what miſtake it may have happened I cannot tell, but ſo it is, that, by an omiſſion of the marks of a parentheſis in one place of the *Engliſh* Canon, and by a diſlocation of them in another, the ſenſe of the *Latin* and *Engliſh* does not coincide.

CONSIDER the following words, as they ſtand, in our vulgar *Engliſh* copies, without any parentheſis: "Neither ſhall any Miniſter

"join

" join any perſons *ſo* licenſed in Marriage,
" but in the ſaid churches or chapels where
" one of them dwells, and likewiſe in time
" of Divine Service; nor, when banns are
" thrice aſked, before the parents or gover-
" nors have ſignified to him their conſent."

Now, would not any one interpret this, that the firſt conditions are only to be obſerved in the caſe of licence, and the laſt only in the caſe of banns?

YET this is by no means the ſenſe of the Canon according to the *Latin* copy; where, inſtead of *any perſons ſo licenſed*, in the firſt clauſe we read *quaſlibet perſonas*, any perſons whatſoever, and then in a parentheſis, *(quantumvis ejuſmodi facultatem ſeu indulgentiam habentes,)* to ſignify that, even in caſe of licences, the conditions required in Marriage are not to be omitted. And, inſtead of theſe words in the ſecond clauſe, *when banns are thrice aſked*, we read, in another parentheſis, *(etiamſi trina bannorum indictio præceſſerit,)* to ſignify that, even in caſe of banns, this condition relating to minors is not to be diſpenſed with.

IF you will pleaſe to compare the *Engliſh* and the *Latin* Canon together, * you will find

* *Engliſh.*—Neither ſhall any Miniſter upon the like pain, under any pretence whatſoever, join any perſons *ſo licenſed* in Marriage at any unſeaſonable times, but only between the hours of eight and twelve in the forenoon; nor in any private place,

find this difference, as well as ſome others of leſſer moment, very plain.

THE drift of the Canon, then, without doubt, it this: that, as there are certain annulling impediments, as thoſe of precontracts, conſanguinity, and affinity, which make the Marriage void, and for the timely diſcovery of which, if any ſuch lie in the way, all imaginable care is taken, both by publication of banns, and by ſecurities required at the granting of licences; ſo there are certain conditions to be obſerved in all Marriages, whether by banns or licence, which, though not ſo abſolutely neceſſary as that the Marriage ſhall be void for want of them, yet are ſo requiſite to the due ſolem-

place, *but either in the ſaid* churches, or chapels, where one of them dwelleth, *and likewiſe* in time of Divine Service: *nor, when banns are thrice aſked,* and no licence *in that reſpect* neceſſary, before the parents or governors of the parties *to be married* (being under the age of 21 years) ſhall either perſonally, or by *ſufficient* teſtimony, ſignify *to him* their conſents given to the ſaid Marriage.

Latin.—Neque ullus Miniſter ſub pœna ſimili inter quaſlibet perſonas *(quantumvis ejuſmodi facultatem ſeu indulgentiam habentes)* quocunque prætextu matrimonium ſolennizabit, vel tempore aliquo incongruo, ſed duntaxat inter horas octavam & duodecimam antemeridianas; vel in loco privato, ſed in eccleſiis *tantummodo* vel capellis ubi partium altera commoratur, *idque* ſimiliter tempore precum publicarum; vel *omnino (etiamſi* trina bannorum indictio præceſſerit, nec *ulla proinde* diſpenſatio requiratur) priuſquam parentes aut gubernatores *contrahentium* (ſi viceſimum primum ætatis ſuæ annum non compleverint) conſenſum ſuum vel perſonaliter, vel per teſtimonium *luculentum, dicto Miniſtro* ſignificârint.

nization

nization of it, that it cannot be celebrated, legitimately and canonically, without them. Which conditions, though ſufficiently expreſſed in other parts of the Canons, are in this place laid together, as a rule for the uſe and direction of the officiating Miniſter.

IT may perhaps be aſked, if theſe conditions are deſigned to be equally obſerved in all Marriages whatſoever, whether by banns or licence, what is the reaſon of that particular caution about licences, in the parentheſis inſerted among ſome of theſe conditions; and that other particular caution about banns, in the parentheſis inſerted in the laſt clauſe concerning perſons under age?

BUT, the ground, and reaſon, of theſe cautions ſeems to be to prevent the Clergy from ſliding into miſtakes, which otherwiſe perhaps they might be apt to do. For, the conditions in the former clauſe might not, at firſt ſight, ſeem ſo requiſite to be obſerved in a Marriage by licence, ſeeing the licence itſelf directs the pariſh-church, and is commonly ſuppoſed to carry ſome privilege of a privacy in ſolemnization, which Marriages by banns ſeem not equally intitled to. Therefore, to prevent the Miniſters being biaſſed or influenced by either of theſe opinions, he is here cautioned, that, to what church ſoever the licence may be directed, he is to execute it in none but where one of the parties dwells. And, what liberty ſoever any licence

licence might ſeem to indulge him in, with regard to the hours of Marriage, he is here given to underſtand, that he is to execute it, nevertheleſs, between eight and twelve in the forenoon, and at the time of the morning-prayers.

IN like manner as to the caution given in the other clauſe, where the banns are ſo particularly mentioned, and which is introduced in the *Latin* Canon with *omnino, more eſpecially*, as deſerving extraordinary notice; whereas the parents conſent to the diſpoſal of perſons under age might not ſeem ſo neceſſary to be obſerved in caſe of Marriage by banns, becauſe the very publication of thoſe banns at three ſeveral times, without objection offered, might paſs for a ſufficient evidence of the parents or guardians acquieſcence in the match; therefore, to check the Miniſter's too forward preſumption of conſent in this caſe, he is here told, that, notwithſtanding *the banns be aſked out*, without impediment alleged, he muſt not reſt upon this negative proof of conſent; he muſt have poſitive evidence, and that too from the parents or guardians themſelves, either perſonally giving it, or ſignifying it to him by ſufficient teſtimony.

So that you ſee in all Marriages whatſoever, whether with licence or by banns, the Miniſter is charged with this important affair of conſent, and his fidelity is principally truſted

to. So that he had need to be circumſpect and look about him in the execution of it.

WITH what degree of care and circumſpection we do diſcharge this truſt, we muſt all know ſo well ourſelves, that I need not make it any matter of enquiry here. But, leſt any of you ſhould not be apprized of the poſſible conſequence of neglecting, only through inadvertency, the order of this Canon in the Marriage of minors, it may be ſeaſonable to inform you of the effects that have followed the proſecution of Clergymen for breach of Canon in this reſpect, *viz.* they are the very ſame, in the Eccleſiaſtical Courts, with the penalties incurred for clandeſtine Marriage, or ſuch as are in all canonical reſpects irregular, i. e. *Suſpenſion per triennium ipſo facto:* where the courts, after the fact is proved, have nothing more to do, nor is it in their power to do leſs, than declare the penalty awarded by Canon, give the ſentence, and ſee it put in execution. Such proſecutions perhaps by parents or guardians, whoſe conſent was not previouſly obtained to the Marriage of their children or pupils, are rare. Yet the ſentence itſelf is no leſs rigorous and ſevere, as thoſe to their coſt have found it, who have unhappily fallen under it, although their crime in reality was known to be no more than either ignorance of the Canon, or inattention to its ſtrictneſs in this particular.

THIS

THIS may ſeem hard indeed in one view of it, *viz.* that a Clergyman ſhould ſuffer ſo greatly, from an omiſſion in his enquiries in a caſe where he might think himſelf ſafe without them, where he might judge either a licence, or a publication of banns, would ſufficiently warrant and indemnify him; where his fault could not be interpreted as from deſign, and where he himſelf, among all the perſons concerned in ſuch a Marriage, ſeemed leaſt to blame. — Yet, on the other hand, it muſt be remembered, that this is a truſt repoſed in the Clergy, and cannot with equal ſafety be repoſed any where elſe. For, they have the beſt opportunities of knowing, by their regiſters and otherwiſe, who are of age for Marriage among their pariſhioners, and who are not ſo, i. e. who are at their own diſpoſal, and who are not *ſui juris* in this matter. They have alſo the beſt opportunities of taking the conſent of parents and guardians in the places where the parties live. And, where there remains any doubt in either of theſe caſes, *viz.* either concerning the age of the one, or the conſent of the other, they only have it in their hands to adjourn the ſolemnization, till full ſatisfaction is given them in both points.

IT may be queried, indeed, how this matter ſtands with reſpect to certificates ſent by the Curates of other pariſhes, to notify the publication of banns, without impediment

alleged? Suppoſe the certificate is for a minor, and one that is an inhabitant of that pariſh, from whence the certificate is ſent, but who really hath not the conſent of parents and guardians, will ſuch a certificate of the banns being aſked out juſtify the Curate, who receives it, in proceeding to the ceremony without any farther enquiry? In reaſon it ſhould. Yet, by the letter of the Canon, it will not, unleſs the Curate, ſo certifying the publication of the banns, do farther certify, to the Miniſter who is to marry them, that the parents, or the guardians, of the minor, have either perſonally or by ſufficient teſtimony ſignified their conſents. In which caſe, the ſaid certificate becomes a ſufficient teſtimony of conſent to the Curate, who is to ſolemnize the Marriage, and will be admitted as his warrant and authority. And therefore this manner of certifying ſhould be followed in ſuch circumſtances. Not that I think, when it is ſo certified by the Miniſter of the pariſh where the party under age dwells, that the other Miniſter, who receives ſuch certificate, is bound thereupon to ſolemnize the Marriage, but may remit it, if he thinks it more ſafe and proper, to the Miniſter of the pariſh where the ſaid party lives, and to whom the ſaid conſent was ſignified.

BUT, to return. What muſt be ſaid of a licence granted to a minor? Is not this a competent

competent authority for the Miniſter to proceed upon, if the ſaid licence be directed to his church, and the minor alſo live in his pariſh? Is not the hand and ſeal of the Ordinary a ſufficient atteſtation, that oath hath been made, by two credible witneſſes, of the parents and guardians conſent, if not perſonally given by the parents or guardians themſelves? May not this paſs and be conſtrued as a ſignification of the ſaid conſent to the Miniſter himſelf by ſufficient teſtimony?

WHY truly it ſeems unreaſonable to ſay it ſhould not. And yet, whoſoever hath taken due notice of the means, that are ſometimes made uſe of, for the obtaining of licences; and attends to the *proviſo*, inſerted in the form of all licences, "that, if hereafter any "fraud ſhall appear to have been committed "at the time of granting them, either by "falſe ſuggeſtions or otherwiſe, then the "ſaid licences to be void, to all intents and "purpoſes, in Law, as if the ſame had not "been granted;" and recollects, moreover, the claims, that parents and guardians have, by Eccleſiaſtical Law, upon the Clergy, as their beſt ſecurity, that no Marriages of their children, or pupils, however licenſed, ſhall be celebrated without their conſent ſignified ſufficiently to the Miniſter himſelf who is to marry them; I ſay, whoſoever lays theſe points together, and conſiders them well, will be apt to doubt of, and demur upon, the

the validity of the teſtimony, that ſuch licences are ſuppoſed to carry with them.

I DO not know indeed of any proſecutions brought againſt Clergymen upon this article. Or, if any have been, we may well preſume the Eccleſiaſtical Courts would, in ſupport of the credit and authority of the licences themſelves, ſcreen thoſe who have executed them as much as poſſible; and eſpecially as they have a ſurer, and a far more equitable, remedy againſt the jurors and the bondſmen concerned in procuring the ſaid licences. And, I might add, moreover, that, as the *Engliſh* Canon now ſtands in all our printed copies, it doth not ſo plainly appear, for the reaſons I have given above, that the Clergy are bound to have the conſent of parents and guardians, when there is a licence for Marriage of perſons under age, as they are bound to have it for the ſaid perſons, when the banns only are publiſhed.

BUT, nevertheleſs, it may and ought to be obſerved, that, if all Miniſters did ſtrictly keep to the true intention of the Canon, and according to the expreſs letter of the *Latin* form, all the inconveniences that licenſing perſons under age *have* been, or may be, attended with, would be at once removed. And this truſt, repoſed in the Clergy, would be found a wiſe and effectual proviſion, and produce ſignal and beneficial effects.

I SHALL

I SHALL conclude this head with obſerving to you ſomething very appoſite to our preſent purpoſe in the form of a licence prescribed in the Eccleſiaſtical Conſtitutions of 1597. It is printed in *Sparrow*'s Collection, and may be found at the end of thoſe Conſtitutions; and is the only authentic form that is publiſhed, ſo far at leaſt as I know of. It is intitled, *Licentia ubi uterque vel alter contrahentium ſub parentum vel gubernatorum poteſtate exiſtit.* It directs the Marriage to be ſolemnized only in one of the churches where the parties live: or, if only one of them be under age, in the church to which the ſaid minor belongs, for, ſo I underſtand theſe words, *exprimendo eccleſiam alterius contrahentium vel parentum aut gubernatorum ſuorum.* It hath alſo the uſual *proviſo*, that, if it be obtained by any fraud, or falſe ſuggeſtions, then it is of no force, *& in eo caſu inhibemus quibuſvis miniſtris ne ad ſolemnizationem dicti matrimonii procedant.*—And yet, after all theſe guards thrown in, and cautions taken, we find this farther advertiſement, at the end of it, in the *Engliſh* tongue, I ſuppoſe for better notification, that "the Miniſter "ſhall not ſolemnize this Marriage, without "the conſent of *their* parents, or governors, "who are hereby licenſed to marry."

I SHALL make no other remark, upon this, than, that all the Conſtitutions ſince made are agreeable thereto.

THERE

THERE is one point yet behind, which has ſo cloſe a connexion with this ſubject, that I cannot forbear touching upon it. And that is, what time of abode in any place is requiſite to make any perſon a pariſhioner in the eye of theſe laws. Some rule of this kind ought to be fixed, otherwiſe new perplexities may ariſe to us from that quarter.

BUT, there is no eccleſiaſtical rule for this by which we can ſafer abide than that which, I take it, all the diſcreet and cautious Ordinaries and their Surrogates go by, for the granting of licences to marry; and which is laid down in the 16th chapter of the Conſtitutions and Canons Eccleſiaſtical made in the year 1640. And which, though they have not a ſufficient ſanction, contain rules proper for thoſe who act at diſcretion, as both the Ordinaries and we do in this matter of granting and executing licences. The rule is this: "That no licence of Marriage "ſhall be granted by any Ordinary to any "parties, unleſs one of the ſaid parties have "been commorant in the juriſdiction of the "ſaid Ordinary, for the ſpace of one whole "month, immediately before the ſaid licence "be deſired." By parity of reaſon, if *one month* be required to bring a perſon under the Ordinary's juriſdiction, and to intitle him to the benefits of the Ordinary's grants, no leſs time ſhould ſeem requiſite to make him a pariſhioner in the place of ſuch his commorancy,

morancy, and to intitle him to the benefits of that claim.

I HAVE now gone through with what I propoſed, and have ſaid all that is neceſſary for a full explication of this important Canon, and for ſhewing its relation to, and connexion with, all other * Eccleſiaſtical Conſtitutions.

AND from the whole it will appear, that there is no one law, to be found in this ſet of Canons relating to the duties of parochial Miniſters, which is in ſome reſpects more punctually obſerved, and in others leſs regarded, than this ſame Canon is: or for the

* See the references in the laſt Diſcourſe. As to thoſe, which relate to *conſent of parents*, they follow here. Among the conditions on which licences were to be granted, one is, quod ad nuptiarum ſolemnizationem non accedant, niſi aſſenſu & expreſſo conſenſu parentum ſive tutorum prius impetrato. *Conſt. Eccl. p.* 249.

Nulli autem cujuſcunque ſexus, dignitatis, aut ordinis (in parentum ſeu gubernatorum cura & regimine exiſtenti) concedatur, niſi prius conſtiterit de expreſſo conſenſu parentum vel gubernatorum ſuorum (ſi forte parentes exceſſerint è vitâ) idque parentum ſignificatione aut gubernatorum Judici perſonaliter facta vel chirographis ipſorum, quibus fidem habendam eſſe non putamus niſi per nuncios honeſtæ conditionis & famæ illæſæ mittantur qui fidem faciant ſe de parentum aut gubernatorum manu chirographi hujuſmodi recepiſſe veris nominibus & cognominibus per hujuſmodi nuncios deſignandorum. *Ibid.* p. 24.

All theſe particulars, with a very ſmall alteration, are thrown into the 62d, 102d, and 103d, Canons.

"" No children, under the age of 21 years complete, ſhall "" contract themſelves, or marry, without the conſent of their "" parents, or of their guardians and governors, if their pa- "" rents be deceaſed." Can. 100.

breach of which, in ſome reſpects, the penalties are ſo rigorouſly exacted, and for the breach of which, in other reſpects, the penalties are ſo little dreamed of, as in this. There is a pretty obvious reaſon, indeed, to be given for this. The peace and intereſt of private families, as well as of particular perſons, are deeply concerned in the due execution of ſome parts of it; but, in the due obſervance of other parts of it, nothing more is concerned than Eccleſiaſtical Diſcipline and Order. We are allowed, by the laity, to break through as many rules of our own office as we pleaſe, provided we break through theſe only. But, if we break in, though never ſo little, upon thoſe rights and privileges which are ſecured to *them* by law, we are ſuch tranſgreſſors as may not paſs unpuniſhed.

WE cannot but be very ſenſible, likewiſe, that, though the world is grown ſo fond of licences, that ſcarce any, who can afford to take them out, will be married without them; yet no one thing, in the whole courſe of proceedings in the Eccleſiaſtical Juriſdiction, is more complained of than the abuſes that are ſometimes made, and the inconveniences that ſometimes follow, upon this privilege. And the officiating Clergy ſeldom fail to bear their ſhare of blame, for their ſhare in the execution of ſuch licences as give the offence.

MANY

MANY attempts have been made to remedy this matter, but ſtill they have proved ineffectual. Very wholeſome proviſions had been made, in the Conſtitutions of 1584 and 1597, under the chapters, *de moderandis indulgentiis*; yet it appears, by a letter of Archbiſhop * *Whitgift*'s to his ſuffragan Biſhops, that theſe Conſtitutions had no good effect as to this article. The next reform was in our preſent body of Canons; in which rules are laid down, both to the Eccleſiaſtical Officers and the Clergy, more diſtinctly and fully than in any former Conſtitutions.—Yet theſe rules, many of them at leaſt, are far from being ſtrictly obſerved. Of which I have, in part, given you the reaſons. † There

* See *Strype*'s life of *Whitgift*, p. 522. And *Wilkins*'s Councils, Vol. IV. p. 353.

All this notwithſtanding, (ſays he,) there come daily complaints unto me, out of ſeveral parts of this province, that ſome Miniſters, neither regarding her Majeſty's pleaſure, nor careful of our credit, do marry ſome couples in private houſes, others do marry thoſe who come to be married at unſeaſonable hours;—as if ordinances were to be reſtrained, and Miniſters ſet at large to break all good orders, &c.

† In the year 1690, or 1691, a bill was brought into the Houſe of Lords againſt clandeſtine Marriages, the purport of which was to make it *felony* in the Miniſter, who ſhould ſolemnize or officiate at ſuch a Marriage. But, after debate, it was dropped, and chiefly upon theſe ſuggeſtions: — That better laws could not be contrived, than thoſe already made, to prevent clandeſtine Marriages; and, were our Eccleſiaſtical Conſtitutions duly obſerved, and vigorouſly proſecuted againſt all thoſe who violate them, there would be no need of making acts of Parliament, or eſtabliſhing ſanguinary laws againſt

was a farther attempt made in Convocation, ſo lately as the year 1712, by a propoſal for an act of Parliament,* to regulate licences, and enforce the Eccleſiaſtical Laws about Marriages, wherein the obſervance of this 62d Canon was to be ſtrictly bound upon the Clergy. † But it came to nothing. And, two years after, *viz.* in 1714, a ſet of Canons were drawn up in Convocation for the ſame

againſt the Clergy for preventing them. — That moſt of the ſtolen Marriages that are complained of, are brought about by the diſpenſations of publication of banns, which was the original law to prevent clandeſtine doings; the rules laid down in the Canons of 1603, for granting theſe Diſpenſations, not being ſtrictly obſerved as they ought to be. For, were all the rules and cautions there provided but duly executed and obſerved, it is ſcarce poſſible any clandeſtine Marriage ſhould ever happen. Therefore, Chancellors, Commiſſaries, and their Regiſters, are to be looked to, if we would have ſecurity in this matter.

All this was fully ſet forth in a paper wrote by Dr. *Humph. Prideaux* on this occaſion: which was printed, and is very worthy of peruſal.

See this account in his life, p. 81, *&c.*

* Propoſals, of the Lower Houſe of Convocation, about matrimonial licences, *April* 30, 1712.

Whereby Judges Eccleſiaſtical, Proctors, Regiſters, as well as Clergy, were to be fined for all wilful miſcarriages, *&c.*

† *Viz.* whereas ſundry Ordinances, Canons, and Conſtitutions, have been formerly made, for preventing irregular and clandeſtine Marriages, and for the regulating of faculties or licences granted for the ſolemnization of matrimony: we enjoin them all to be carefully obſerved by all perſons whom they concern, upon the ſeveral penalties of the ſaid Ordinances, Canons, and Conſtitutions, expreſſed. And, for the more effectual preventing ſuch clandeſtine Marriages, as well as for the reformation of ſundry and grievous abuſes, in the granting and obtaining ſuch licences, we do farther ordain and decree, that

ſame end.* But they never were confirmed, or received their authority; ſo that we are left upon the ſole footing of theſe Canons, ſaving

that *no Parſon, Vicar, or Curate, upon pain of ſuſpenſion per triennium ipſo facto, ut ſupra.* Wilkins's Councils, Vol. IV. p. 654.

* Draught of Canons for regulating matrimonial licences, in order to the more effectual preventing of clandeſtine Marriages, *June* 16, 1714.

The ſubſtance of the ſaid Canons is as followeth, (ſee *Wilkins*'s Councils, Vol. IV. p. 659.)

1. All perſons concerned are charged, and enjoined, to ſee the 62d, 63d, 70th, and 100, 101, 102, 103, and 104th Canons duly obſerved.

2. That, in every licence to be henceforth granted, the name of the pariſh-church, or chapel, where one of the parties to be married dwells, or the names of both, (if both parties lie within the juriſdiction,) ſhall be inſerted, *and no other*. The Ordinary, or Surrogate, offending herein, to be ſuſpended for a year. A licence, obtained for Marriage in any other church beſides the pariſh-church, &c. to be void. The parties, marrying by ſuch licence, to be puniſhed as for a clandeſtine Marriage. And the Miniſter that marries them to be ſuſpended for one year.

3. No licence to be granted, unleſs one of the parties have been commorant within the juriſdiction for the ſpace of one whole month, immediately before the ſaid licence be deſired.

4. No licence to be granted to any perſon under the age of 21 years, unleſs the parents, &c. expreſsly declare their conſent in perſon, or by writing. The ſaid writing to be atteſted upon oath, and an act to be made of the exhibiting thereof, and of the oath of the meſſenger who exhibited it.

5. No Parſon, Vicar, or Curate, under pain of ſuſpenſion *per triennium ipſo facto*, ſhall ſubſtitute or employ knowingly, or wilfully permit or ſuffer, any other Miniſter to marry in his church, or chapel, without banns or licence lawfully obtained.

6. Matrimony may be celebrated on any day in the year, except on *Aſh-Wedneſday*, and in Paſſion-Week, and the 30th of *January*, and all other ſolemn days of faſting, for which a particular

ſaving the additional penalty for a clandeſtine Marriage, to be inflicted by virtue of a ſtamp-act in the tenth year of Queen *Anne*. Which is the beſt proviſion we have againſt the groſs practice of marrying without either banns or licence.

MY chief deſign and end, in all I have been ſaying about this part of the Canon, that reſpects perſons under age, may be comprized in theſe two monitions.

FIRST, that the Canon, in every view of it, is an unexceptionably plain rule for us in all caſes of minors aſked out by banns. And that, if any of us ſhould happen to be proſecuted for not obſerving it, the penalty will be as inevitable as the rule is plain.

SECONDLY, that, when licences are granted to perſons under age, though our rule may ſeem leſs plain, and the ill conſequences of not adhering to it may be more out of ſight: yet, we have the benefit of a greater liberty of acting as we pleaſe, than in the former caſe. Becauſe, we cannot be ſtrictly bound at any time to the execution of ſuch licences. And, whenſoever there is any rea-

particular ſervice ſhall be enjoined by public authority. On all ſuch days no Miniſter may preſume to celebrate Marriage.

7. In all entries of weddings in the pariſh-regiſter, diſtinction to be made of thoſe who are married by licence, adding the name of the Judge who granted the ſaid licence, and inſerting the date of it: with the names of the pariſhes where both parties lived at the time of its being granted.

ſonable

ſonable doubt, any real grounds of ſuſpicion about the legal procurement of them, we ſhall do the prudent thing in forbearing to execute them. Let all the faults, if ſuch there be, in the management of this indulgence of licenſing, and all the blame, lie where they ſhould. Let them lie ſolely at the door of the Eccleſiaſtical Officer who grants the faculty; and, let the parochial Clergy ſtand clear of them.

VISI-

VISITATION-CHARGE, *Anno* 1749.

DISCOURSE XIV.

Upon ſeveral Canons, *but more particularly the 70th, about Pariſh Regiſters.*

Reverend Brethren,

IF what I am now going to deliver to you ſhould have the appearance rather of a Miſcellany than of a juſt Diſcourſe, you will remember that the nature of the deſign I am proſecuting confines me to a fixed and certain method, and obliges me to obſerve the order of the ſeveral ſubjects as they lie before me, though there be no ſort of connexion between them. And the end of the ſaid deſign, which is your ſatisfaction (if in my power to give it you) in ſome obſcure or doubtful points in theſe ſubjects, requires me to be more or leſs particular upon each of them, as they are more or leſs eaſy to be explained, or of more or leſs conſequence to be examined and cleared up.

I HAVE already dwelt ſo long upon the 62d Canon about Marriage, in my two laſt Charges, that nothing remains to be ſaid upon the 63d Canon about *Marriages in exempt churches.*

churches. And eſpecially as the Canon itſelf is no more than a direction to the Ordinary, how he ſhall proceed, in caſe any Miniſter ſhall not obſerve the foregoing Canon, *under colour of any peculiar liberty, or privilege, claimed to appertain to certain churches, or chapels,* within his juriſdiction.

THE 64th Canon, *about bidding holidays, and faſting-days, at the time appointed in the communion-book,* refers to a Rubric in the old ſervice-book, which is now ſuperſeded. For, in all the Common-Prayer Books down to the Reſtoration, the declaration of holidays was ordered to be made after the ſermon or homily; whereas the preſent Rubric fixes another time for it. Yet this Canon is nevertheleſs in force, as to the cenſures contained in it, if any one ſhould purpoſely, or, as the Canon ſays, *wittingly*, offend therein. Which, though it can hardly be ſuppoſed any one ſhould at this time of day, was yet to be ſuſpected might happen for ſeveral years after the Reformation, as well from Miniſters popiſhly affected, who retained an eſteem for the abrogated ſuperſtitious days,* as from thoſe puritanically inclined, who thought thoſe few retained in the proteſtant kalendar to be too many. But both theſe dangers are

* For this reaſon the Biſhops were wont to enquire, in their Viſitations, *whether any of their Curates bid any other days than were appointed by the new kalendar.*
See *Wheatley* on the Common Prayer, p. 270.

now over, as our preſent Clergy cannot lie under temptation, either to add or omit any thing in the declaration of holidays ordered by the new Rubric in the laſt reviſal.

IN the two next Canons, likewiſe, I apprehend we are very little concerned. For, though the one be intitled, *Miniſters to denounce recuſants*; and the other, *Miniſters to confer with recuſants*; yet the execution of both, as appears from the tenor of them, appertains more to the Ordinary than to the parochial Clergy. *The Ordinary*, by the firſt of them, *is to ſee and give order* about denouncing excommunicates; and the Biſhop of the dioceſe, by the other of them, is *to appoint* or *to approve* the Miniſter who ſhall be intruſted with conferring with recuſants.

HOWEVER, I would here obſerve, for the better underſtanding of theſe Canons, that by *recuſants* in the former of them (or the 65th) are meant *recuſants* at large, including all kinds of diſſenters from the eſtabliſhed communion. * (But you know, ſince the Toleration

* All perſons whatſoever, not repairing to the eſtabliſhed church and ſervice, were to be puniſhed as ſuch. By 23d *Eliz.* c. 1. — 29th *Eliz.* c. 6. — and 35th *Eliz.* c. 1. And, there were forms of ſubmiſſion appointed, as well for *ſeditious ſectaries, recuſants*, (35th *Eliz.* 1.) as for *popiſh recuſants*, (35th *Eliz.* 2.) They, who would know how this matter of Recuſancy ſtood, and the jealouſies of the Government about it, may conſult ——— the Council's letter to Archbiſhop *Grindall*, about Recuſants, in 1581, with his directions to his officers thereupon. *Strype*'s life of *Grindal*, p. 264, and *Wilkins*'s

Toleration of Diſſenters, the crime of this *recuſancy*, at leaſt all that was judged ſo by the State, is no longer charged upon them, or condemned by ſentence of excommunication.) But by *Recuſants* in the 66th Canon are meant *Popiſh Recuſants* only, or thoſe who did not repair to the eſtabliſhed ſervice on account of their attachment to the ſee of *Rome*. And the reconciling of theſe, if poſſible, was thought of ſuch difficulty, as well as importance, that none but a Preacher, or a licenſed man, might undertake it, nor even he, without the ſpecial approbation and direction of his Dioceſan, who was to take care, in caſe the Miniſter of the pariſh might not be thought ſufficient, to procure ſome neighbouring Clergyman to diſcharge this office.

THERE is another Canon about preſenting of *Popiſh Recuſants*, viz. 114, which, though placed under another title, will fall moſt properly under our conſideration here. Wherein they are diſtinguiſhed farther into *abſolute Recuſants*, and *half Recuſants*, (abſolutè & ex parte Recuſantes.) By the one were meant Papiſts profeſſed; by the other, ſuch as came to church, but refuſed to receive the communion. And this preſent-

Wilkins's Councils, Vol. IV. p. 301. Alſo the Council's letter to Archbiſhop *Whitgift*, about Recuſants, in 1594, with his directions thereupon. *Wilkins*'s Councils, p. 346. And *Whitgift*'s letter to his Suffragans, about excommunicating Recuſants, in 1598. *Wilkins*'s Councils, *ibid.* 359.

ment was to be made by the Clergy only, and by them yearly, on pain of ſuſpenſion. But, this order is obſolete and of no effect with regard to the Popiſh half Recuſants; becauſe, ſince the pecuniary mulcts for not coming to church have ceaſed to be levied, there are no ſuch half Recuſants among us. And the end of it, with regard to the declared Papiſts, is now anſwered another way; which is, by our certifying their numbers to our Ordinaries, as often as we are called upon to make ſuch inquiſition in our reſpective pariſhes.

AND, for the reaſons above-mentioned, as I take it, we are no longer under obligation to follow the direction, given in the 112th Canon, of preſenting, along with our Churchwardens, all the Non-communicants at *Eaſter*, who are above ſixteen years of age, within our pariſhes. For, this ſeems only to have been framed for the better diſcovery of Recuſants of all denominations. But now, ſince all the ſectaries are exempted by the Toleration, and many other and more effectual laws enacted for the convicting of Papiſts, this method of information by preſentment is quite dropped, and is grown out of date.

AND, as to the 113th Canon, about preſentments by Miniſters, which I take this opportunity of juſt touching upon, though it is in its full force, and may ſometimes very properly be put in execution by us; yet

it

it is no injunction upon us, but only a permiſſion or a warrant for us, either to join in a preſentment, or to make preſentment alone, if we judge proper, of notorious and ſcandalous offenders.

To have ſuch power is uſeful. But, the exerciſe of it is, and was deſigned to be, a point of diſcretion.

AND now, after this little digreſſion to three Canons that lie under another title, I return to the place I had left, and proceed to the 67th Canon, intitled, *Miniſters to viſit the ſick.* Concerning which, though abundance might be ſaid of its importance as a miniſterial duty, and the never-ceaſing obligation of it upon us in its own nature, yet, conſidered as a canonical injunction, I have only theſe two remarks to make.

THE firſt is, that it doth not certainly appear from hence, whether we are to viſit the ſick without being ſent to or not. *When any perſon,* ſays the Canon, *is dangerouſly ill in any pariſh, the curate,* having knowledge thereof, *(Miniſter eâ de re certior factus,)* ſhall reſort, *&c.* which may be underſtood either of information by a ſpecial meſſage, or otherwiſe by common report.

THE intention of our Church (ſays *L'Eſtrange)* * is, that the Miniſters ſhould come, both ſent for and unſent for. And he quotes

* Alliance of Divine Offices, p. 297.

thereupon

thereupon an order of *Polycarp*'s, Let the Preſbyters viſit all ſick perſons. Yet Mr. *Wheatley** obſerves, and pertinently enough, that, in our preſent Rubric † before the Office of Viſitation, the care of ſending for the Miniſter is left to the Sick. For, the Prieſt himſelf (as he adds) may never have heard of his ſickneſs, or, if he has, may not be ſo good a judge when his viſit will be ſeaſonable, or when the party is beſt able to join with him.

THIS is therefore a matter that muſt be left to the diſcretion of the Clergy. The Canon will be fulfilled, as it may be interpreted, either way.

MY other remark is much of the ſame nature. The Canon ſays, if the Miniſter *be no Preacher*, he ſhall follow *the order* of the communion-book in his Viſitation of the ſick. But, if he be a Preacher, *then as he ſhall think moſt needful and convenient*. But, the old diſtinction between Preachers and Non-Preachers is too much worn out to ſerve for a rule in the preſent times. The privileges of Preachers do by cuſtom belong to the whole Order. Therefore the liberty of uſing other forms of Viſitation, than that preſcribed in the Office, as occaſion may require, ſhould

* Common Prayer, p. 420.

† When any perſon is ſick, notice ſhall be given thereof to the Miniſter of the Pariſh, &c.

ſeem

ſeem to be common too. Eſpecially as it muſt be acknowledged that the Office in the Common-Prayer is deficient in many caſes; and, as there are ſeveral other very proper and uſeful forms compoſed to ſupply the defects thereof.

As to the queſtion, whether, by the Act of Uniformity, we be not reſtrained from uſing any private forms, even on theſe occaſions, I ſhould leave it to the learned in the Law to determine it. But certainly there is ſo much reaſon to be pleaded for this liberty, and ſo much countenance given to it in this Canon, that no Clergyman need apprehend any danger of cenſure for making uſe of it. Provided always that he be diſcreet in that uſe, and doth not neglect or intermit the uſe of the preſcribed and authorized form, ſo far as it is adapted to his purpoſe.*

COME

* There is another Canon, which, though placed under another title, hath an immediate relation to this. For, though it be intitled, *A cheſt for alms in every church*, yet the principal ſubject of it is a direction to Miniſters *diligently to exhort their pariſhioners, and eſpecially when they make their teſtaments, to give, as they can beſt ſpare, to the ſaid cheſt*, for the uſe of the poor. And to this the Rubrics in the Office of Viſitation of the Sick do evidently relate, *viz.* ſuch as direct that *people ſhall be admoniſhed to make their wills, if they have not before diſpoſed of their goods*, and *to give liberally to the poor, if they be of abilities ſo to do.* In my remarks on theſe Rubrics, in my fourth Diſcourſe, I have given an account of the occaſion and reaſons of this Canon; to which I now refer, and need not repeat: but ſhall only obſerve, that, as that part of the preſent Canon, which requires the Miniſter to move perſons, when

COME we now to the 68th Canon about public Chriſtenings and Burials. In which whatever might ſeem to admit of a doubt is cleared up in the Rubrics of thoſe Offices. As, for inſtance, from the Miniſter's being obliged *not to refuſe* Baptiſm *to children that are brought to him upon* Sundays, *or holidays*, which is all that the Canon enjoins, it ſeems to follow that he *may refuſe* baptizing on all other days, and plead the Canon for his authority. But the Rubric, though it orders him frequently *to admoniſh the people* to bring their children *only on* Sundays *and holidays*, giving alſo the reaſon of ſuch order, yet permits them *(if neceſſity ſo require)* to bring their children to be baptized *any other day*. What is to be underſtood by *the neceſſity ſo requiring*, I have fully examined, when we

when they make their wills, to contribute to the poor man's box, by telling them, —— *that, whereas heretofore they have been diligent to beſtow much ſubſtance, otherwiſe than God commanded, to ſuperſtitious uſes, and that now at this time they ought to be much more ready to give to the poor*, &c. As this argument, I ſay, borrowed from King *Edward* VI's Injunctions in 1547, when it had its full weight, and applied before it was altogether out of date, in the year of the Canons, *viz.* 1603, can have no place or uſe at this time of day; and, as moſt other arguments for the ſupply of the poor's box, or cheſt of alms, are almoſt out of date with us, the poor's boxes themſelves being ſo in moſt places; I do ſuppoſe that the purpoſe of this Canon may be thought ſufficiently anſwered, if Miniſters be careful to recommend almſgiving to their people at all proper ſeaſons, and eſpecially when they make their wills, if a fair opportunity be given of putting in a piece of ſeaſonable advice to that purpoſe.

were

were upon this Rubric, and ſo ſhall drop the enquiry now.

THUS, again, from the Miniſters being obliged not to refuſe burial, *except the party deceaſed were excommunicated* majori excommunicatione, *and no man able to teſtify of his repentance*, which is all that the Canon enjoins, one would naturally gather that there are no other caſes in which he may refuſe burial; and that, even in this caſe, he may not refuſe it, if it can be proved to him that the excommunicate perſon was a true penitent. But, there is no room left for making a query upon either of theſe points, after we have read the Rubric, which forbids not only *excommunicate perſons to be buried*, but alſo thoſe who are *unbaptized*, and thoſe who have laid *violent hands upon themſelves*. Neither is there any proviſo in it about the repentance of an excommunicate perſon. It ſpeaks indefinitely of all that die under the ſentence of excommunication, without leaving any diſcretionary power with the Miniſter, either to abſolve, or to bury as if abſolution had been obtained.*

* There have been, ſince the Reformation, as well as before, commiſſions granted for burial of perſons dying excommunicate, and in ſome caſes for *abſolving* them too, in order to chriſtian burial. *Gibſ.* Cod. p. 540. Which had been unneceſſary, if any power had been lodged with the Miniſter himſelf.

IN theſe points, therefore, the Rubrics are our guides, and this Canon is ſuperſeded by them.

THE next Canon, concerning Private Baptiſms, receives likewiſe improvements from the preſent Rubric: as, firſt, that in all ſuch caſes, the form preſcribed for private houſes, and that only, ſhall be uſed; which, though preſumed to be intended, is not explicitly ordered by the Canon. Secondly, whereas the Canon is a rule to the Miniſter only, in caſe of an *infant's weakneſs*, and *the danger of its death*, the Rubric extends the rule to any great or ſufficient cauſe, when any great need ſhall compel the people to procure their children to be baptized at home. But then, in one other point, which is only preſumed to be intended in the Rubric, the Canon is explicit, namely, that information, given to the Miniſter of any child's danger, ſhall be given *duly*, and *without any manner of colluſion*; which deſerves our ſpecial notice, that we do not miſuſe the liberty of private Baptiſms, granted us both by Rubric and Canon, purely to ſerve ſome private family convenience, or particular humour of parents, colluſively repreſented to us under the notion of a neceſſity. But, to this point I have ſpoke ſufficiently before, when the Rubrics before the Office of Private Baptiſm were under conſideration.

AND,

AND, I have only one thing more to obſerve of this Canon, *viz.* that the laying this Injunction ſo ſtrictly upon the Clergy to attend children in caſes of danger, and the giving this reaſon for it, *leſt they ſhould die unbaptized through the* Miniſter's *default*, is a proof that our Church diſalloweth the laity, on any pretence of neceſſity whatſoever, to adminiſter this ſacrament; and that the ſalvation of a child may be as ſafely truſted with the mercies of God without Baptiſm as with one that is irregular; that is to ſay, performed by perſons not authorized or commiſſioned to give it.*

BUT the other inference, that † Mr. *Wheatley* would draw from this Canon, *viz.* that

* See a remarkable article, among ſome others, paſſed, by both houſes of Convocation, in 1575, in *Gibſon*'s Codex, p. 446. And *Collier*'s Eccl. Hiſt. Vol. II. p. 552. Wherein it was reſolved, that *Private Baptiſm, in caſe of neceſſity, was only to be miniſtered by a lawful Miniſter or Deacon, called to be preſent for that purpoſe, and by none other. And that all other perſons ſhall be inhibited to intermeddle with the Miniſtry of Baptiſm privately, it being no part of their vocation.*

There is ſome doubt whether this article was ever publiſhed or not. See *Gibſon*, *Collier*, and *Wheatley*, p. 353.

† Illuſtration, p. 355. "She (the Church) ſuppoſes, in "the 69th Canon, a child will die unbaptized, if the regular "Miniſter do not come time enough to baptize it." *Anſw.* It ſhould be added, *and alſo if no body elſe baptize it*, which ſhe ſuppoſes none but a regular Miniſter ſhould preſume to do, and which ſhe inhibits every body elſe from doing.

Ibid. "She expreſsly declares, in the aboveſaid determi-"nation," (*viz.* that of the Biſhops and Clergy in 1575 mentioned in the laſt note,) "that Baptiſm is only to be adminiſ-

"tered

our church diſalloweth the validity and efficacy of all ſuch Baptiſms as have been irregularly adminiſtered by lay-hands; and, that

" tered by a lawful Miniſter," &c. —— " A plain intima-
" tion that no Baptiſm but what is adminiſtered by perſons
" duly ordained is *valid* and *effectual*." *Anſw.* It ſhould have been ſaid, rather, none but ſuch is *warrantable* and *regular*. The difference is evident. Of the latter ſhe gives more than a *plain intimation*. Of the former ſhe gives none, unleſs it be *an intimation* to the contrary in the Rubrics of the Office of Private Baptiſm.

Ibid. " If Baptiſm adminiſtered by perſons not ordained be
" valid, and ſufficient to convey the benefits of it, why
" ſhould ſuch perſons be prohibited to adminiſter it in caſes
" of real neceſſity, when a regular Miniſter cannot be pro-
" cured?" *Anſw.* For the ſame reaſon that they are prohibited to adminiſter it in caſes of no neceſſity, and when a regular Miniſter may be procured. Becauſe ſuch acts, in them who have no authority, are preſumptuous; nor is their preſumption leſs in caſes of neceſſity than where there is none: becauſe, neceſſity doth not authoriſe them. And yet it doth not follow, that, in any caſe, their act, when done, is void and null, or of no effect.

Ibid. " It would ſurely be better for a child to have it
" from *any hand, (if any hand could give it,)* than that it
" ſhould die without the *advantage* of it." *Anſw.* But it is *not* better for a child to have it from a wrong hand, or any hand that hath no right to give it. And, though God *may* ratify ſuch act, and allow it *the advantages of Baptiſm* in reſpect of the child, which is not concerned in the *preſumption* of adminiſtration, yet this will not make ſuch adminiſtrations lawful, or be a reaſon why they ſhould be permitted.

Ibid. " Our Church, therefore, by prohibiting all from in-
" termeddling in Baptiſm but a lawful Miniſter, *plainly hints*,
" that, when Baptiſm is adminiſtered by any others, it conveys
" no *benefit* or *advantage* to the child." *Anſw.* Our Church *no where denies* that lay-baptiſm is an admiſſion into the Chriſtian Covenant and Church, or that a child ſo baptized ſhall not receive the advantages and benefits of ſuch admiſſion, through God's mercies, if it dies; or through its own faith

and

that perſons* ſo pretendedly baptized ought afterwards to apply to a lawful Miniſter for the ſaid ſacrament, doth not appear to be equally well drawn. Nay, it rather appears plainly by the Rubric, that nothing can authorize a *rebaptization*, or hypothetical baptiſm, but a doubt of an original deficiency, either in the *matter* or in the *form* of the

and obedience, if it lives. And yet ſhe alloweth not that any lay perſon hath authority to adminiſter it, or ought to be ſuffered to do ſo. She takes all imaginable care that children ſhall have the benefits of Baptiſm in a regular way, and prohibits irregular Baptiſms, even in caſes of neceſſity; for, ſhe leaves the event, in extraordinary caſes, when a regular Baptiſm cannot be procured, to the wiſe Author and Appointer of the inſtitution, whoſe mercies are not abſolutely tied to *outward means*, and in whoſe hands ſhe looks upon children to be equally ſafe, whether they be baptized by uncommiſſioned perſons, or die without any Baptiſm at all.

* *Ibid.* p. 356. "And conſequently, that perſons *ſo pretendedly baptized* (if they live to be ſenſible of their ſtate "and condition) are to apply to a regular and lawful Miniſter for that holy ſacrament of which they only received "*a prophanation* before."

Anſw. Pretendedly baptized (inſtead of preſumptuouſly baptized) is begging the queſtion. That they *are to apply*, &c. is more than our Church any where teaches. Nor can a command, or even a permiſſion, of rebaptization be found in any of her Laws or Conſtitutions. Neither can the recipient of the ſacrament, in *its eſſentials*, be ſaid *to receive a prophanation* purely on account of the adminiſtrator. Every ſacrament is in *ſuch a ſenſe* profaned, when adminiſtered by evil and *profane* (though, in point of commiſſion, authorized) men. Yet the effects on the recipients are no ways altered thereby. *Art.* of *Rel.* XXVI. Can. 57. So Baptiſm may be ſalutary and beneficial to a worthy recipient, though wrongfully adminiſtered by unauthorized hands, and in that ſenſe *profaned*.

inſtitution:

inſtitution: which are called *the eſſentials* of baptiſm, and diſtinguiſhed as ſuch from the authority of the adminiſtrator. But, this point has likewiſe been already under conſideration, when I diſcourſed upon that Rubric, and therefore I ſhall not reſume it now:

BUT proceed to the next Canon in courſe, which is the 70th, about keeping of Pariſh-Regiſters, with which I ſhall conclude this miſcellany, as I think it may moſt properly be called.

AND here, in regard to Regiſters, (*quorum permagnus uſus eſt*, ſays the Conſtitution * in 1597, from which this Canon is taken,) the firſt thing I ſhall take notice of is, that the Miniſters and Church-wardens are allotted

* De regiſtris in eccleſiis ſalvæ cuſtodiæ committendis. — Et quia regiſtra in eccleſiis (quorum permagnus uſus eſt) fideliter volumus cuſtodiri, primum ſtatuendum putamus ut in ſingulis viſitationibus admoneantur Miniſtri, et Œconomi Eccleſiarum de injunctionibus regiis eâ de re diligentius obſervandis.

The Injunction, here referred to, is the tenth article of Queen *Elizabeth*'s Injunctions. *Sparrow*, p. 70. Accordingly, among the articles of Viſitation of the ſame year, *viz.* 1559, one is, *Item, Whether they have one book, or Regiſter, kept, wherein they write the day of every wedding, chriſtening, and burying.* Sparrow, p. 173.

So again, among the Proteſtations in 1564, one is, *I ſhall keep the Regiſter-book, according to the Queen's Majeſty's Injunctions.* Sparrow, p. 128.

Not that theſe were the firſt Injunctions on this head; for, thoſe of *Edward* VI. in 1547, are word for word the ſame with the Queen's, ſo far as they relate to Regiſters. *Sparrow*, p. 4 and 5.

their diſtinct ſhares in the proviſion and preſervation of them.

THAT they be of *parchment* belongs to the Church-wardens to take care of at the charges of the pariſh. This was firſt appointed in the Conſtitutions 1597. For, before that time, they were commonly in paper. And the reaſon given for this alteration was, that they might be more durable, and better preſerved, as authentic records for the uſe of poſterity.*

THAT a tranſcript of the old Regiſters, from *the time* † *that the law was firſt made,* (viz. 1538,) *ſo far as the ancient books could be procured, at leaſt from the beginning of the*

* Deinde ut libri ad hunc uſum deſtinati, *quo tutius* reſervari & ad poſteritatis memoriam propagari poſſint, ex pergameno ſumptibus parochianorum in poſterum conficiantur. In iiſque non modo ex veteribus libris *cartaceis* tranſumpta nomina eorum qui regnante ſereniſſimâ dominâ Elizabethâ aut baptiſmatis aquâ abluti, aut matrimonio copulati, aut eccleſiaſticæ ſepulturæ beneficio affecti ſint, ſuo ordine ſumptibus parochianorum inſcribantur. Sed eorum etiam qui in poſterum baptizati vel matrimonio conjuncti aut ſepulti fuerint. *Conſt. Eccl.* 1597. *Sparrow*, p. 257.

† The firſt law about Regiſters was in the 30th year of *Henry* VIII. at the requeſt and by the means of Lord *Cromwell.*

The Injunction was, —— *That every Parſon, Vicar, or Curate, was to furniſh a book to regiſter Weddings, Burials, and Chriſtenings.* Coll. Eccl. Hiſt. Vol. II. p. 150. And *Burnet*'s Hiſt. Refor. Vol. I. Book III. p. 180.

The order, in the preſent Canon, for carrying the tranſcript ſo far back as the 30th of *Henry* VIII. was an improvement of the Conſtitution of 1597, which had no farther retroſpect than to *primo Eliz.*

reign

reign of Queen Elizabeth, that this tranſcript, I ſay, ſhould be made into the new books of parchment, belonged alſo to the Churchwardens to take care of, and at the charges of the pariſh, as plainly appears from comparing this Canon with the Conſtitutions of 1597.

How well either of theſe orders were executed by the Churchwardens, after the publiſhing of the Canon, let every one judge from what they find in the Regiſters of their own pariſh.

IN the mean time, what is more pertinent for me to obſerve to you is, that the Canon enjoins the Miniſter, * from henceforth, *in poſterum*, from the time of theſe Canons taking place, to make all the entries in the Regiſter-book himſelf. A proviſion which had not been made by any of the former Injunctions or Conſtitutions.

WHAT I would recommend to you hereupon, in a particular manner, is, that you would make theſe entries in good ink. Which is as neceſſary as the parchment, to

* The writing or entering names, *&c.* was left to the Miniſters and Church-wardens jointly in *Edward* VI's and Queen *Elizabeth*'s Injunctions.

The Miniſter, indeed, is ordered, in the Conſtitutions of 1597, to read over weekly, and publicly, the names that had been entered the week before: Quæ per ſingulas hebdomodas in hiſce libris inſcripta nomina fuerint ea ſingula diebus dominicis poſt preces matutinas aut veſp. finitas aperte & diſtinctè per *Miniſtrum* legantur.

make

make the Regiſter a ſtanding and durable evidence; I cannot ſay indeed this is expreſſly mentioned in the Canon, yet nevertheleſs it is implied in the words, ſhall write and *record.* For, nothing written can be ſaid to be *recorded*, unleſs it be written with ink that will ſtand, as well as in a hand that is legible.

AGAIN, the proviſion of *a cheſt, or coffer, with three locks and keys*, at the charges of the pariſh, belongs to the Churchwardens. And conſequently the Miniſter is not anſwerable for any failure herein; or any failure of what depends upon ſuch a coffer, and the Regiſter being ſo depoſited in it; as, for inſtance, his taking the Regiſter from thence, with the aſſiſtance of the Churchwardens, *every Sabbath*, and in their preſence entering the buſineſs of the week foregoing, and this, too, immediately after Morning and Evening prayer, and then returning the book into the cheſt again, and ſecuring it under all their three keys. All which particulars are conſequent upon the order for the cheſt, and are enjoined the Miniſter on preſumption only that the Churchwardens have performed their part.

BUT, indeed, it be muſt be confeſſed, that ſuch inconveniences do likewiſe attend the ſtrict obſervance of theſe orders, that they have been generally diſpenſed with, and the end of them anſwered another way.

THE two principal inconveniences, which I have my eye upon, are theſe:

FIRST, that the Regiſters, thus kept in coffers, are frequently in danger of being damaged and corrupted with the damps and moiſture which are often found, in our churches, to be incurable. And which would by degrees prey upon and deface the books, and defeat one great end of their preſervation with ſo much care: which is for the ſake of poſterity.

AND, ſecondly, the keeping them, as the Canon directs, makes them, in great meaſure, uſeleſs to another end, for which they are kept for the benefit of the preſent times; *viz.* the granting certificates out of them, from time to time, to ſuch perſons as deſire them and are concerned in them. For, if theſe tranſcripts could only be made and atteſted at the times appointed in the Canon for the book to be taken out of the cheſt, or at leaſt not otherwiſe than in the preſence both of the Miniſter and Churchwardens, * I need

* The reaſon, given in the Canon for the three locks and keys, being, "that neither the Miniſter without the two "Churchwardens, nor the Churchwardens without the Mi-"niſter, ſhall at any time take that book out of the ſaid "coffer."

Neque vero in unius cujuſquam cuſtodia librum illum, ſed in ciſta publica eaque trifariam obſerata, reſervandum putamus, *ita ut* neque ſine Miniſtro Guardiani, nec ſine utriſque Guardianis Miniſter quicquam poſſit innovare. *Conſt.* 1597.

not

not ſay what difficulties muſt ariſe to the parties who apply for copies out of the Regiſter. And therefore cuſtom hath obtained for keeping theſe books in places aſſigned, either by joint conſent of the Miniſter and Churchwardens, or by the Miniſter alone, where they may be conſulted with convenience and without delay; and uſe and preſcription upon this convenience have brought the Regiſters almoſt ſolely into the poſſeſſion and cuſtody of the Miniſters, which, though not ſo agreeable to the contents of the Canon, ſuits mighty well with the title of it, which is, *Miniſters to keep a Regiſter of Chriſtenings, Weddings, and Burials.* Or, as it is in the Latin, *Miniſtri regiſtrum conſervare juſſi.*

BUT now there is another point enjoined in this Canon with regard to Regiſters, from the literal execution of which we ſhould by no means depart, but act in concert therein with our Churchwardens. And that is, the ſubſcription of our and their names at the bottom of each page in the book when it is filled up with entries.* Which is a matter of the greater conſequence to be ſtrictly obſerved, becauſe, without ſuch ſubſcription at

* Poſtquam autem paginam aliquam integram multorum nominum inſcriptio compleverit, tum Guardianorum ipſius parochiæ ſubſcriptionibus volumus eam communiri.

Idemque in tranſumptis ex veteribus libris *cartaceis* paginis ſingulis fieri, ſed diligenti ac fideli prius habitâ collatione. *Conſt.* 1597. *Sparrow*, p. 257.

the foot of every page as the Canon requires, our Regiſter-books are not evidence in the courts of law: and conſequently may, in ſome very material and intereſting points, prove inſufficient to anſwer one of the great ends deſigned by them.

THIS therefore I muſt recommend to be conſtantly done, becauſe it may happen that the civil rights and properties of private perſons may greatly depend upon it.

THE yearly tranſmiſſions, likewiſe, of copies of our Regiſters, (which belongs to the Churchwardens to take care of, * though the Miniſter is to join with them in the atteſtation,) are of no ſmall uſe, if regularly tranſmitted and duly preſerved; for, they will not only ſupply the place of a Regiſter loſt or deſtroyed by accident, but they guard againſt forgeries and reſtore eraſements. I have myſelf ſeen the date of a baptiſm, upon which not only the true age of a perſon, but the claim to an eſtate, depended, in conſequence of the proof of ſuch age, ſo cleanly eraſed, that, although the fictitious date appeared evidently to be a forgery, it was

* Poſtremum eſt ut exemplar quotannis cujuſque anni auctæ nominum inſcriptionis ad epiſcopi diocœſani regiſtrum *per Guardianos*, infra menſem poſt feſtum Paſchatis, tranſmittatur, & *ſine fœdo ullo recipiatur*, atque in archivis epiſcopi fideliter cuſtodiatur. *Conſt.* 1597. To which the preſent Canon hath added, *to be ſubſcribed with the hands of the ſaid Miniſter and Churchwardens.*

impoſſible

impoſſible to recover the true one. Now of what uſe, in ſuch caſe, muſt a regularly-atteſted tranſcript in the Biſhop's office be?

YET, if it be conſidered how negligent the Churchwardens often are in tranſmitting ſuch copies, how negligent alſo the Biſhop's officers in calling for them when not exhibited, and in keeping of them when obtained, (and perhaps for this reaſon, becauſe the Canon has ordered them to be received without taking any fee for the ſame.) And alſo conſidering the doubts, which have been of late years pretended in the temporal courts, about the admiſſion of ſuch evidences from the Biſhop's Regiſtry, which they are apt to deny to be *a court of record*, while no doubt is made of the authentickneſs of our pariſh Regiſters, if duly kept and ſubſcribed as the Canon directs; I ſay, conſidering how many ways the benefits, deſigned by theſe copies, or duplicates, are and may be fruſtrated, we may perceive very great reaſon to take ſpecial care of the originals, and to preſerve their authenticity by regular atteſtations.

THERE is one thing more I ſhould mention with regard to Regiſters, *viz.* the reſerving a particular place in them for entering the *Births* of Diſſenters children of all denominations, ſo far as they come certainly to our knowledge, either by information of their parents or otherwiſe.

WHILE

WHILE the tax upon Births* was in force, the Clergy were obliged, under ſevere penalties, to regiſter all perſons *born*, though not baptized, within their pariſhes, by which means the Diſſenters ſhared in all the civil benefits of our Regiſters. But though, ſince the ceſſation of that tax, we are no longer under obligation to regiſter their children, neither, indeed, can we honeſtly and truly regiſter their baptiſms, nor enter them into the liſt of our pariſhioners baptized by the rules of the Church; yet it may prove a piece of ſingular ſervice, to ſome of them, to have their births entered, upon the atteſtation of their parents, in ſome ſpare leaf of our Regiſter-books. A favour which, when aſked, ſhould never be denied.

* Statute 6 — 7, *Will.* III. — Rates and Duties on Marriages and Births.

All Miniſters to keep Regiſters of the births of perſons *born* or baptized in their pariſhes. Which Regiſters the collectors of the taxes may view at ſeaſonable times. Miniſters offending to forfeit £ 100.

And 7 — 8, *Will.* III. c. 35. Every Incumbent, or Curate, to regiſter the births of perſons *born* in their pariſhes, and not baptized in the church. For which he is to take 6 *d.* to enter it, and, if he neglects, to forfeit 40 *s.* But then the parents of ſuch children muſt give the Miniſter notice *of ſuch birth*, or elſe they muſt forfeit 40 *s.*

VISI-

VISITATION-CHARGE, *Anno* 1750.

DISCOURSE XV.

Upon the 72d Canon, *about the Exerciſes commonly called Prophecies.*

Reverend Brethren,

I HAVE obſerved to you more than once, in the courſe of my diſſertation upon the Canons, the neceſſity of referring and having recourſe ſometimes to the *Latin* edition of them, in order to aſcertain the ſenſe of the *Engliſh* verſion. For, there are not only ſome ambiguous expreſſions in the tranſlation itſelf, whoſe meanings are fixed by the original, but there are miſtakes and faults alſo in our common *Engliſh* editions, which are to be corrected by the *Latin* copies. And, there are no inſtances of this more remarkable than that which I am going to take notice of in the 72d Canon, which comes now under our conſideration. For, I paſs over the Canon immediately preceding, (intitled, Miniſter not to preach or adminiſter the communion in private houſes,) becauſe it neither contains any thing difficult or doubtful, nor doth

doth it furniſh any matter of enquiry that may be worthy your attention.

BUT, the 72d Canon, which comes next, is not ſo eaſily to be paſſed over: for, there is a ſtumbling-block in the threſhold, and we are obliged to pauſe at the very title of it. I mean in the *Engliſh* copies, in which it runs variouſly.

IN ſome, for inſtance, as in thoſe which are commonly printed at the end of our folio Common-Prayer books, for the uſe of churches, it runs thus:

MINISTERS not to appoint public or private faſts, or Prophecies, or to exerciſe, but by authority.

IN others, again, * as in the collection of Articles, Canons, and Injunctions, publiſhed by order of the Archbiſhop of *Canterbury*, for the uſe of the parochial Clergy, of which there have been ſeveral editions; in theſe, I ſay, the title runs thus:

MINISTERS not to appoint public or private faſts, or to exorciſe, but by authority.

* *Exerciſe* in the title of the Canon, in the editions of *Oxf.* 1701. *Lond.* 1727, 1732, 1734, 1735, 1739, 1742, 1745. *Exorciſe.* Old black-letter Canons. My collection of Canons and editions of *Oxford*, 1712, 1718. *Lond. Cha. Bill.* 1693, 1706, 1710, 1715, 1745, 1750.

In the body of the Canon, *Exerciſes* in all the editions juſt now mentioned, excepting the Collection, where it is *Exorciſes*; this was printed in 1724.

IN

IN Biſhop *Gibſon*'s Codex, where the title of this Canon is twice printed in different parts of the work, it is in one place exhibited as in the prayer-books, with the word *Exerciſe*, * but in the other with the word *Exorciſe*; † the curators of the preſs, as I preſume, following one of the editions of the Canons in the firſt quotation of it, and another in the ſecond.

IT is equally remarkable, that the like difference is to be found in the body of the Canon itſelf. Where, in ſome of the copies, *Exerciſes*, and in others *Exorciſes*, are joined with the word Prophecies, as explanatory terms, or words denoting the ſame thing: and I obſerve, that, whichſoever of the two words, in either of the copies, occurs in the title of the Canon, is afterwards repeated in the body of it; at leaſt ſo I find it in all the editions I have conſulted. By which means both the copies become faulty. For, ſo it happens, that the copy, which gives the title right, gives the Canon wrong; and that, which makes no miſtake in the body of the Canon, commits one in the title.

ALL this appears very evidently from the *Latin* copy, which gives *exorciſmos*, not *exercitia*, in the title; and *exercitia*, not *exorciſmos*, in the Canon. And indeed the ſcope

* Cod. p. 288.
† Ibid. p. 443.

and meaning of the Canon, when attended to, will require theſe different readings in their reſpective places. One branch of the Canon is an abrogation of a Popiſh and ſuperſtitious uſe of prayer and faſting for the diſpoſſeſſing of demoniacs, and this is denoted in the title by the term of *exorciſing*, * *Miniſtri jejunia & exorciſmos celebrare prohibiti*. Another branch of the Canon relates to a cuſtom that had its riſe among the Proteſtants, and had been in much vogue for ſome years, called *Propheſying*; which cuſtom, though denoted in the title by that ſingle term, *Prophetias appellatas*, is yet farther explained, in the body of the Canon, by another term, by which it was then equally well known, *Conciones quæ vulgo exercitia, aut prophetiæ, nonnullis nuncupantur*. † Sermons, commonly called Exerciſes, but by ſome called Prophecies. There is no manner of doubt, but the firſt *Engliſh* verſions were

* Of the Popiſh *Exorciſms*, before the Baptiſm of Infants as well as of Adults, ſee the Conſtitutions in *Lynwood*, p. 244. And *Gibſon*'s Cod. p. 442. But, the *Exorciſms* meant in this Canon were thoſe uſed upon *demoniacs*, as may be collected not only from the term *poſſeſſion*, as well as *obſeſſion*, uſed therein, but from the mention of ſolemn *faſtings* and prayers, which accompanied the Popiſh pretences of ejecting devils: and, farther, had the compilers ſpoke only of the *Exorciſms* before Baptiſm of infants, they would ſcarce have intimated that this might be done or attempted under the authority of a licence from the Biſhop.

† *In ſome places termed Prophecyings, and in other places Exerciſes.* Queen's letter. Life of *Grind.* App. p. 85.

ſtrictly

ſtrictly agreeable to the *Latin* original, and preſerved the diſtinction between *exorciſe* in the title and *exerciſes* in the Canon. But, it is eaſy to conceive, that theſe words, how widely ſoever they differ in ſenſe, yet, being ſo like in ſound, might be changed, and put one for the other, by inadvertent Printers; or perhaps over-advertent, and preſuming to amend what they did not underſtand.

BUT, there is another exception to the *Engliſh* title of this Canon, in reſpect of the faſts, which cannot be ſo readily accounted for. The *Latin* title runs, agreeably to the ſubſtance of the firſt branch of the Canon, in theſe words, *Miniſtri publica jejunia privato auſu celebrare prohibiti.* For which the *Engliſh* has, Miniſters not to appoint public or private faſts but by authority. Now the Canon is evidently levelled againſt the private preſumption of Miniſters, who took upon them, without order from their Superiors, to enjoin public faſtings, and not againſt their holding private faſts themſelves at their own diſcretion, nor againſt their enjoining or recommending them in a private manner to others within their own cures, as they ſhould ſee occaſion: for, they could need no licence from external authority for practiſing ſuch ſecret acts of religion themſelves, or for recommending them for particular reaſons to others under their charge. But, nevertheleſs, it was very proper, and it ſeems the drift of the Canon,

that they ſhould be reſtrained from indicting or appointing any ſolemn faſts, (*ſolemnia jejunia,*) as the Canon words them, which denote public acts, and on public occaſions, to be kept either at church, or in conventicles, or ſeparate meetings. And, farther than this the canonical prohibition ſeems not to extend, when it forbids them to appoint or keep any ſolemn faſts, either publicly or in any private houſes, other than ſuch as by law are, or by public authority ſhall be, appointed, nor ſhall be wittingly preſent at any of them. Every appointment, I ſay, of this kind, where numbers were concerned, and conſequently the public peace and communion more or leſs intereſted, is juſtly forbidden, unleſs it proceeded from, or at leaſt had the approbation and expreſs licence of the Biſhop of the dioceſe, without whoſe privity and concurrence no ſuch deviations from eſtabliſhed rule and order ought to be ſuffered.

HAVING now repreſented to you the deſign of this Canon, and taken notice of the errors in our *Engliſh* copies, there is only one thing more that may deſerve enquiry, *viz.* the nature and tendency of thoſe ſermons called Prophecies, which are therein prohibited. This would indeed have been thought a ſubject quite out of doors in our preſent age, if ſome approaches to a like practice, among ſome of our own Order, had not given

the

the appearance of a revival of a cuſtom that may naturally be attended with the like conſequences.

To underſtand this affair of *propheſying*, mentioned in the ſecond branch of this Canon, and which occaſioned a good deal of alarm and diſturbance in the reign of Queen *Elizabeth*, in whoſe time it both began and ceaſed, we muſt look to its firſt origin, in *Scotland*, among the Reformers there, *Knox*, and his brethren the *Scotch* Divines, in whoſe Book of Diſcipline, offered to the Convention in 1560,* we find the firſt mention of this practice under the ſtyle of the *Exerciſe of Propheſying, or interpretation of the Scriptures*; with the ſeveral proper rules and limitations† for the management of ſuch liberty, that it might not run into debate and ſtrife.

THE term *Propheſying* is taken from the ſenſe of that word in 1 *Cor.* xiv. And their

* Archbiſhop *Spotſwood*'s Hiſtory, p. 170. And *Collier*'s *Eccl. Hiſt.* Vol. II. p. 470. But, what *Collier* ſays is taken wholly from *Spotſwood*.

† Theſe rules conſiſt of eight particulars, all of them well calculated for preventing the inconveniences that ſeemed moſt likely to follow ſuch an inſtitution: and are the groundwork and pattern of the ſeveral regulations of the Exerciſes in *England*. They are printed at length in *Spotſwood*, p. 171. And again in *Collier*'s *Eccl. Hiſt.* Vol. II. p. 470. The whole *Policy*, of which this ſcheme of propheſying is only a part, was *framed by* John Knox, *partly in imitation of the reformed Churches of* Germany, *and partly of that which he had ſeen in* Geneva. *Spotſwood*, p. 174.

practice

practice in *Scotland* was grounded on this precedent in the Church of *Corinth*.*

THE firſt account of the like practice that we meet with here in *England*, under the term of Propheſying, was the eſtabliſhment of it at *Northampton*, in 1571, with the conſent of the Biſhop of the dioceſe,† and with the approbation alſo of the Civil Magiſtrates of that town.‡ The inſtitution itſelf was commendable, for nothing more was intended by it than *Exerciſing* ‖ of the Clergy in

* So ſay the *Scotch* Divines in the Book of Diſcipline, *Spotſw.* p. 170. But, as *Collier* remarks, there "was a great "diſparity in the caſe; for, the *Corinthians* were furniſhed "with miraculous aſſiſtance, and governed by ſupernatural "impulſe." *Ibid.* However, the ſaid Divines do evidently ſpeak of a *gift* of interpretation, which was not every man's talent, and to which they attribute ſomething more than human. Nor were they ſingular in this opinion. Many learned men, in thoſe times, put the ſame ſenſe and interpretation upon that paſſage of St. *Paul*; and argued, from thence, that there lay an obligation upon all the Churches of Chriſt to obſerve the practice. *Strype*'s life of *Grindal*, p. 237. For the truth of which, he refers to a paper in the Appendix No. 12. which is a diatribe upon the 1 *Cor.* xiv. 20. Prophetæ duo aut tres loquantur, *&c.* and which contains the moſt that can be ſaid in favour of ſuch an inſtitution.

† Dr. *Scambler*.

‡ *Strype*'s life of *Grindal*, p. 175, 176, and 219. According to whom, a ſociety was eſtabliſhed, at *Northampton*, for reformation in religion and manners, (the firſt of this kind, I preſume, that we hear of in this kingdom;) and, not only the Biſhop, the Mayor, and his Brethren, but the Queen's Juſtices of the peace, gave all countenance to it. The Prophecies, or Exerciſes, were only one branch of the religious obſervances enjoined: but it was the chief and moſt material.

‖ "The manner was thus: Certain of the Miniſters, who "were appointed, (diſcourſing orderly one after another,) "handled

in the interpretation of Scripture, with a view to promote good learning among them, and to preſerve harmony of doctrine. And this deſign was ſo well adjuſted, and put under ſuch prudent and uſeful regulations, that the Clergy, in many parts of the kingdom, were induced to copy after the ſame example, and chiefly in the large market-towns, where the neighbouring Miniſters might with convenience reſort to the Exerciſe, and where alſo there were numerous congregations of the laity to ſhare in the advantage, which it was ſuppoſed they alſo would abundantly partake of.* And indeed, ſo long as the original rules and orders were obſerved, it was a practice, not only unexceptionable, but promiſed good effects in that age of the Reformation, when great ignorance and ſuperſtitions ſtill prevailed, both among the Clergy and the Laity. On theſe conſiderations the Exerciſes were eſpouſed by ſeveral † of the Biſhops, and were not diſcountenanced

" handled ſome text, (given as it ſeems by the Biſhop,) open-
" ing the ſame plainly and briefly before the people. Then,
" the congregation being diſmiſſed, the Miniſters withdrew
" into ſome convenient place, and conferred among them-
" ſelves, as well touching doctrine as good life and manners,
" and other orders meet for them to obſerve." *Strype.*

* We find, in the year 1574, that theſe Exerciſes, among the Miniſters and Curates of churches, were uſed in moſt dioceſes. Annals of *Eliz.* Vol. II. p. 318.

† By ſome of them very warmly, as the Biſhop of *Norwich*, *Lincoln*, but moſt by *Grindal*, in whoſe letter to the Queen, on their

countenanced by the Government, ſo long as what was done in them was done without giving offence.

BUT, as the beſt deſigns will ſometimes miſcarry, through the indiſcretions of thoſe who have the execution of them, ſo it happened here. Theſe Exerciſes were in a little time perverted, and the neceſſary regulations of them broke through. Among the earlieſt innovations made in them, that which turned moſt to the prejudice of the inſtitution was the permitting thoſe of the Clergy to join in theſe Exerciſes, who had been ſuſpended or deprived for Non-Conformity to the eſtabliſhed Liturgy. And, who took this opportunity to raiſe and vent controverſies about Church-Diſcipline, and even to call in queſtion the eſtabliſhment by Epiſcopacy; theſe and other* irregularities were firſt complained

their behalf, he uſes theſe words: —— For my own part, becauſe I am well aſſured, both by reaſons and arguments taken out of the H. Scriptures, and by experience, that the ſaid Exerciſes for the interpretation and expoſition of the Scriptures, and for exhortation and comfort, drawn out of the ſame, are both profitable to increaſe knowledge among the Miniſters, and tendeth to the edifying of the hearers, I am forced with all humility, and yet plainly, to profeſs, that I cannot with ſafe conſcience, and without the offence of the Majeſty of God, give my aſſent to the ſuppreſſing of the ſaid Exerciſes.

See his whole letter in the App. to his life by *Strype*. And in *Collier*'s *Eccl. Hiſt.* Vol. II. p. 554.

* *Collier* tells us, that others were too eager to diſtinguiſh themſelves, diſcovered their vanity, and topped upon thoſe of

ed of, in the dioceſe of *Norwich*, * in the year 1573; which coming to the Queen's ears, ſhe ordered Archbiſhop *Parker*, to put them down; † which, with ſome oppoſition, he effected in that dioceſe: and, afterwards, it being remonſtrated, from other places, that lay-perſons took upon them to expound Scripture at theſe meetings, ‡ whereby altercations and oppoſition increaſed, to the utter obſtruction of the deſign of theſe Exerciſes, or Prophecies, which was for the edification of the people, and promoting ſtudy and knowledge in the Clergy, ſhe wrote herſelf to all the Biſhops throughout *England*, ‖ to put a ſtop to this growing evil; which, at length, but not without great difficulty, was done: for, we ſtill find theſe Prophecies ſubſiſt in *Hart-*

of lower attainments.—*Ibid.* p. 547. That ſometimes their ſatire was played upon the State: ſometimes they glanced upon perſons, and ran out into particular invectives: ſometimes the laity undertook the argument, and held forth. In ſhort, that the Exerciſes, at laſt, were remarkable for ſquabbling and unneceſſary diſputes, and failed in the requiſites of charity and diſcretion. *Ibid.* p. 553.

* Annals of Queen *Eliz.* Vol. II. p. 261.

† Life of *Parker*, p. 460. Annals *Eliz.* Vol. II. p. 321.

‡ The chief objections againſt the Exerciſes, beſides the two already mentioned, were:

1. That they were not warranted by any law of the Realm.
2. Occaſioned the drawing people from their labour.
3. Leading them into unneceſſary diſputes about Religion.
4. And dangerous conſequences to the eſtabliſhed government, both in Church and State. *Codex*, p. 288.

‖ See her letter, life of *Grindal*, App. No. 10. p. 85. And *Collier's Eccl. Hiſt.* Vol. II. p. 559.

fordſhire in the year 1577,* and in the dioceſe of *Cheſter*, though under new regulations, ſo late as the year 1585.† And one would imagine, either that they had not been entirely ſuppreſſed at the time of making theſe Canons, or at leaſt that there remained ſome diſpoſition towards the revival of them, from the prohibition of them in ſo ſtrong terms.

FROM what has been now ſaid, for the better explaining this Canon, you ſee the reaſons why it was thought expedient to diſcountenance and prevent all unauthorized meetings for prayers and faſtings, or for expounding Scripture, or for Exorciſms. From all which the Clergy were reſtrained, under ſevere penalties, unleſs they undertook them by the ſpecial licence of the Ordinary of the dioceſe where they lived.

* Annals *Eliz.* Vol. II. p. 486. The Exerciſes here continued the longer, as being under better regulation than in other places. See the rules and regulations agreed to and ſigned by the Biſhop of *Lincoln* for this county. Ann. *Eliz.* Vol. II. p. 318. But the Queen nevertheleſs commanded the ſaid Biſhop to ſuppreſs them. See her letter, App. No. 9.

† Annals *Eliz.* Vol. II. p. 324. Direction of the Eccleſiaſtical Exerciſe in the dioceſe of *Cheſter*. *Ibid.* App. No. 38. p. 73. Biſhop *Chadderton*'s authority to the Moderators of theſe Exerciſes. *Ibid.* No. 39. p. 74.

To theſe orders and regulations of the Prophecies, by the Biſhops of *Lincoln* and *Cheſter*, we may add thoſe of Archbiſhop *Grindal*, which may be found in his life by *Strype*, p. 220. And in *Collier*'s *Eccl. Hiſt.* Vol. II. p. 553. The ſubſtance of them all is pretty nearly the ſame.

THE

THE inference I make from hence is, that whatever ſome perſons of our own function, now at the head of certain religious ſocieties, publicly convening to perform a Divine Service, and to expound the Scriptures, without any licence or authority from their Governors, either in Church or State; I ſay, that ſuch perſons, whatever they may pretend of their acting within the Canons and Conſtitutions of this Church, will find it a difficult matter to reconcile their proceedings to this Canon in particular, not to mention others that are likewiſe unfavourable to their pretenſions. But, I do not mean to ſtep out of my road to conſider or to cenſure their conduct; only, as the Eccleſiaſtical Law, that we are now upon, ſeems to be an evidence of the judgement of this Church againſt them, I conceive it may not be unſeaſonable to take notice of it in this place.

THE complaints againſt *thoſe Exerciſes*, which this Canon prohibits, were, 'that I may uſe the Queen's own words, in her circular letter to the Biſhops above-mentioned, that, through them, " No ſmall number of " perſons preſumed to be teachers and " preachers of the Church, though neither " lawfully thereunto called, nor yet fit for " the ſame. That they unlawfully procured " aſſemblies of people, out of their ordinary " pariſhes, to be hearers of their diſputations " and new deviſed opinions upon points of

"Divinity, far unmeet for vulgar people.
"By which manner of aſſemblies, great
"numbers, eſpecially of the vulgar ſort,
"meet to be otherwiſe occupied with honeſt
"labour, were ſeduced, and, in manner ſchiſ-
"matically, divided among themſelves into
"variety of dangerous opinions, not only in
"towns and pariſhes, but even in ſome fa-
"milies, and manifeſtly thereby encouraged
"to the violation of the laws, and to the
"breach of common order, and finally to
"the offence of all quiet ſubjects, who de-
"ſired to live and ſerve God according to
"the uniform orders eſtabliſhed in the
"Church."

ON theſe and the like reaſons were the *Exerciſes* ſuppreſſed. And *on the ſame* we muſt preſume the Canon to be founded, in order to prevent the like innovations from being any time hereafter introduced again, and ſet once more on foot within the kingdom.

IT cannot indeed be ſaid, that the perſons I am now ſpeaking of do *directly* infringe the Canon, becauſe the practices oppoſed therein are not revived, or ſet forward, in the very ſame ſort, or under the very ſame names. But, if ſtated meetings for religious ſervice are appointed, particular forms or ordinances are enjoined, and this *privato auſu*, as the Canon words it, without any expreſs permiſſion from the Dioceſan; if laymen and perſons

ſons of no education or learning take upon them, either by the direction, or under the wings and patronage, of private Clergymen, to exerciſe and propheſy; that is, to expound the ſenſe of Scripture publicly, and to inſiſt on their own expoſitions as the only true doctrine of the Goſpel, though not always according to the moſt approved interpretations that have been generally received by the Catholic Church in all ages; if they perplex and diſtract the minds of ſerious and well-meaning people with doubts and difficulties about their title to God's pardon and favour, and require terms of acceptance as neceſſary, which yet are neither plainly read in Scripture, nor can be plainly proved thereby; if alſo pretence be made, by a new kind of exorciſm, of delivering perſons who labour under the pangs of the new birth, and this, too, openly and in their public aſſemblies; and all theſe things continued, carried on, and perſiſted in, with real good intention, I verily believe, of making people better, but, at the ſame time, in defiance of the Biſhop's authority and the Laws Eccleſiaſtical; then I conceive, that their proceedings, from their analogy with thoſe in former times, do immediately fall under the cenſure of this Canon.

AND, though the Act of Toleration be ſuppoſed ſo extenſive as to ſcreen every innovation or irregularity of this kind, and to indemnify even laymen, who, with the Civil Magiſtrate's

Magiſtrate's licence, open religious conventicles; yet what I am obſerving is, that ſuch as profeſs themſelves Miniſters of this Church are cut off from all pretenſions of acting agreeably to the Conſtitution and Rules of this Church, if they either form or draw together ſeparate congregations for doctrine or worſhip, or, by their preſence, encourage and abet the ſame.

THE like objection, in good meaſure, lies, and has been occaſionally urged, againſt the ſocieties for reformation of manners, which were of late years in much greater repute, within this realm, than they are at preſent. For, as to the Clergy in particular, it has been juſtly obſerved, that, without the previous licence of the Ordinary, they could not concern or intereſt themſelves in ſuch aſſemblies, nor be lawfully preſent at them. Nay, it has been queſtioned whether the Ordinary, however he might connive, or ſecretly approve, could, agreeably to the Canons, licenſe ſuch meetings. For, although the Exercíſes ſeem permitted in this Canon, under the proviſo of a licence, yet the very next Canon, which is the 73d, makes no ſuch reſervation. For, by that, *No Prieſt, or Miniſter of the word of God, nor any other perſons, ſhall meet together in any private houſe, or elſewhere, to conſult upon any matter or courſe to be taken by them, or upon their motion, or direction, by any other, which may any ways*

tend

tend to the impeaching of any part of the government and diſcipline, now eſtabliſhed in the Church of England.

THE queſtion, I ſay, is, Whether private conventions or combinations, whether of Clergy or Laity, for the putting the laws in execution againſt profaneneſs and immorality, and for the reformation of other people's manners, who are not members of their ſociety, by making informations againſt them to the Civil Magiſtrate, do not tend to impeach the government, and diſcipline, which is now eſtabliſhed in the Church of *England?*

HOWEVER, as one would always be tender in making reflections on any perſons proceedings, who appear to be influenced with a real zeal to promote God's glory, and to advance and encourage the ſpirit of piety and religion among their neighbours, which we are all very ſenſible has, of late years, fallen into viſible decay; ſo I forbear proſecuting theſe points any farther, having already ſaid as much upon them as naturally aroſe from the tenor of the Canons which we have been conſidering.

VISI-

VISITATION-CHARGE, *Anno* 1752.

DISCOURSE XVI.

On the three laſt Canons *of the ſecond Title, about Apparel, Sobriety,* &c.

Reverend Brethren,

IT is now above twenty years ſince I firſt took in hand a diſcuſſion of our obligations, as Clergymen, to the Eccleſiaſtical Laws of the Realm; and made uſe of my privilege of addreſſing you, on theſe occaſions, in explaining and enforcing ſome branch or other of thoſe laws, each time of our meeting, in this manner, together.

So that now a great progreſs is made in my undertaking, and I am come to my twelfth and laſt Diſcourſe upon the Canons. Which, as I hope it will meet with your wonted attention and candour, ſo I preſume will not be the leſs ſatisfactory for putting an end to theſe dry ſubjects, with which I have troubled you ſo long. And yet, my brethren, however dry they may have ſeemed both to myſelf and to you, yet, at the ſame time, I do not know of any ſubjects that are generally more uſeful to the Parochial

rochial Clergy, or more ſuitable to the deſign of Ordinary Viſitations.

THE three laſt Canons, under this title of *Miniſters and their function and charge*, which take in what remains of my propoſed ſcheme, come now under examination. The firſt of them relates to *decency in our apparel*; the ſecond to *ſobriety in our converſation*; and the laſt to *perſeverance in our calling*.

OF theſe in their order.

AND, firſt, that which relates to *the decent apparel of Miniſters* is one of thoſe Canons that obliges only in thoſe general clauſes, in which the end and deſign is contained and expreſſed, excluſive of the *means*. The general purport, for inſtance, of this Canon, is to injoin a diſtinction and a gravity in the dreſs of the Clergy, whereby they may be known to all people to be of that Order, and be ſufficiently diſtinguiſhed from the laity, at all times, and on all occaſions, whether in their journeys abroad, in their abode at home, or in their common converſation in their neighbourhood. But, as for the particular clauſes that deſcribe and enjoin that preſcript form of habit which was uſed in the reign of King *Edward* the Sixth, and continued, by public authority, in the reign of Queen *Elizabeth*,* they are univerſally un-

* In the 30th article of her Injunctions, ſet forth in 1559, we have theſe words: — "*Item*, Her Majeſty being deſirous "to

derſtood to be of no force or obligation in theſe our days. For, however decent and proper thoſe garments might be reputed 200 years ago, when the Injunctions concerning habit were thought neceſſary to be made, (for reaſons which I ſhall preſently give,) yet, as faſhions in dreſs are of all things moſt changeable, there is a great difference introduced of late years, by cuſtom, † even

" to have the Prelacy and Clergy of this Realm to be had " as well in outward reverence, as otherwiſe regarded for " the worthineſs of their Miniſtries, and thinking it neceſſary " to have them known to the people, in all places, and aſ- " ſemblies, both in the church, and without, and thereby to " receive the honour and eſtimation due to the ſpecial Meſ- " ſengers and Miniſters of Almighty God, willeth and com- " mandeth that all Archbiſhops, *&c.*—— ſhall uſe and wear " ſuch ſeemly habits, garments, and ſuch ſquare caps, as " were moſt commonly and orderly received in the latter " year of the reign of King *Edward* VI. *&c.*" — *Sparrow's* Col. p. 77.

And in her Injunctions of 1564, which are called the Advertiſements, we have the dreſs more particularly deſcribed, *viz.* That all Deans, *&c.* having Eccleſiaſtical Living, ſhall wear, in their common apparel abroad, a ſide-gown with ſleeves, ſtrait at the hand, without any cuts in the ſame, and that alſo without any falling cape, and to wear tippets of ſarcenet. — That all having Eccleſiaſtical Living do wear the cap appointed by the Injunctions, and they to wear no hats but in their journeying. — That they in their journeying do wear cloaks with ſleeves put on, and like in faſhion to their gowns, without gards, welts, or cuts, *&c.*

Now, whoſoever will compare theſe orders of Queen *Elizabeth* with our preſent 74th Canon, will evidently ſee, that the latter is no more than a compound of them both, or a revival of them, under ſome ſmall alteration of expreſſion.

See the Advertiſements in *Sparrow's* Collection, p. 126.

† The prevalency of cuſtom over Canon is in no inſtance more remarkable than in this of dreſs. As may appear from the following paſſage in *Lynwood's* Commentary, *viz.* Iſtud

even in the dreſs of the Clergy, though it be leaſt of all ſubject to change. So that thoſe very habits, deſigned by the Canon to expreſs gravity, and procure reverence, (which is the profeſſed end of all diſtinctions in our habit,) if now made uſe of by us, after another faſhion hath prevailed, would produce, without fail, the very contrary effect, and render us almoſt ridiculous to all that ſhould behold us. So that a literal compliance with the Canon, after it hath been ſo long abrogated by cuſtom, in reſpect of the particular form of dreſs injoined in it, would only tend to deſtroy the firſt and principal intention of it.

THERE is alſo another thing to be conſidered, in abatement of any obligation to the particular clauſes of this Canon, which ſpeci-

Iſtud itaque, ut ſcil. certi viri eccleſiaſtici utantur *cappis clauſis* trinâ vice ſtatutum eſt; primo per Stephanum Cant. Archiep. Secundo per Othonem ſedis apoſtolicæ legatum in Conſtitutione *Quoniam in habitu*, &c. Tertio per Othobonum etiam ſedis apoſtolicæ legatum in Conſtitutione *Cum ſancti*, &c. Sed tamen ut experientia rei docet non *obſervatur quoad hoc, ſicut nec quoad plura alia, ubi poſſet dubitari annon obſervantes peccent, vel numquid nonobſervantia poterit tales excuſare. Johan. de Athona*, in dicta Conſtitutione *Quoniam de habitu*, &c. ver. *cappis clauſis*, ponit pro fundamento quod ſubditi non admiſerunt has Conſtitutiones, & propterea arguit quod per eas non arctantur. — *Lynwood*, p. 118.

And one of *John de Athon*'s diſtinctions is no leſs remarkable: "Si Conſtitutio non habet executionem annexam, nec "in ipsâ lege tollitur uſus ſeu conſuetudo in contrarium, tunc "communis obſervantia legi prævalet, non acceptatæ, e-"tiamſi iſta conſuetudo fuerit contra concilia provincialia." *Conſt. Otho.* p. 37.

fy the apparel preſcribed; and that is, that ſuch expreſs appointment was intended, and was indeed thought neceſſary, to put a concluſion to a long and warm conteſt * concerning clerical habits. For it happened after the Reformation, that diſputes were created and held up, not only concerning the veſtments in which the Clergy ſhould publicly officiate in time of Divine Service, (as particularly the ſurplice, which controverſy indeed ran to a great height, ſo as not to have ſubſided intirely to this very day,) but they extended moreover to the common and daily apparel of the Clergy; as may be ſeen in the Church-Hiſtorians of thoſe times, and more particularly Mr. *Strype*.† And, although theſe

* The next year (*viz.* 1564) is remarkable for a conteſt about the eccleſiaſtical habit. "The ſquare cap, the ſirplice, "and the tippet, would by no means paſs with ſome of the "late exiles. They made it their buſineſs to cry down theſe "cuſtomary decencies, and to proſelyte the people to their "ſingularities. Theſe ill-ſupported ſcruples, and this miſ-"application of zeal, made the Church look ſtrangely unu-"niform and particoloured."

Collier's *Eccl. Hiſt.* Vol. II. p. 493. Where ſee a farther account of this conteſt.

† Life of Archbiſhop *Parker*, from p. 151 to p. 174.

Appendix to the life of *Parker*, from p. 25 to p. 31.

Life of Archbiſhop *Grindal*, p. 98 and 104.

Annals of Queen *Eliz.* Vol. I. from p. 416 to p. 430. In theſe Annals he tells us, that "The charges and accuſa-"tions of the habits enjoined, as they cauſed great wrang-"lings and breach of peace among the Clergy themſelves, "ſo the lay-people were growing into an abhorrency of thoſe "that wore them, and of the ſervice of God miniſtered by "them.

theſe diſputes might have greatly abated, they were not entirely ceaſed at the time our Canons were publiſhed; for the reaſon therein given, why the uſe of the accuſtomed apparel ſhould not be intermitted, but continue injoined by Authority, was, *in hopes that, in time, newfangleneſs of Apparel in ſome factious perſons would die of itſelf.*

BUT now this is a reaſon which is of no weight with us, who live in times when no ſuch conteſts ſubſiſt, and all the former diſputes, at leaſt about common dreſs, are in a manner forgotten; or, if known by a few, who have the curioſity to look into hiſtory, yet ſerve no other end than to explain the reaſon of this Canon.

" them. Inſomuch that, ſoon after, numbers of them refuſed " to come to the Churches, or Sermons, or to keep the Miniſ- " ters company, or ſalute them; nay, as *Whitgift*, in his " Defence, writes, they ſpit in their faces, reviled them in the " ſtreets, and ſhewed ſuch like rude behaviour towards them, " and that only becauſe of their Apparel."

And how matters ſtood at the ſame time in the North, in reſpect of the Prieſts Apparel, we learn from the letters wrote by *Pilkington* the Biſhop, and *Wittingham* the Dean, of *Durham*, to the Earl of *Leiceſter*.

" In this rude ſuperſtitious people (ſays *Pilkington*) on the " borders, Prieſts go with ſword, dagger, and ſuch coarſe " Apparel as they can get; not being curious or ſcrupulous " what colour or faſhion it be: and none is offended at them. " But ſuch grief to be taken at a cap among them that are " civil and full of knowledge is lamentable."

See both theſe letters, No. 25 and No. 27 of the Appendix to *Strype*'s life of *Parker*.

IT is farther to be obſerved, that the compilers (of the Canons) themſelves have taken care to put in a guard againſt too rigid an attachment to what is preſcribed concerning Clergymen's habits, by inſerting the caution which had been before given * on the ſame ſubject, viz. *that their meaning is not to attribute any holineſs, or ſpecial worthineſs, to the ſaid garments, but for decency, and gravity, and order.*

THE inference is, that, ſince theſe garments are of themſelves indifferent things, thoſe, that make moſt for decency, gravity, and uniformity, do beſt anſwer the deſign of the Canon; the letter of which, in ſome ſpecial clauſes, is upon no better footing than other antiquated and obſolete laws: which, though never formally repealed, do yet remain in no force of obligation, being univerſally neglected and overlooked. A reaſon which diſcharges from the obligation

* *Queen's Injunctions*, 1559. "Not thereby meaning to "attribute any holineſs, or ſpecial worthineſs, to the ſaid "garments, but, as St. *Paul* writeth, *omnia decenter & ſecundum ordinem fiant.*" Sparrow, p. 78.

Pref. to the Advertiſements, 1564. "Not as laws to bind "the conſciences of her ſubjects in the nature of them con"ſidered by themſelves, or as they ſhould add any efficacy "or more holineſs to the virtue of public prayer; but as "temporal orders merely eccleſiaſtical, without any vain ſu"perſtition, and rules in ſome part of diſcipline concerning "decency, diſtinction, and order for the time." *Sparrow's* Collections, p. 122.

of all laws, but ſuch as are either natural or divine, and conſequently indefeaſible.

BUT, however, a decency in the Apparel of Clergymen, that is, ſuch as the cuſtom of the times makes to be decency in the opinions of men, in every ſeveral age and country, is ſo far from being antiquated, or becoming obſolete, that it is every-where and conſtantly expected; and every deviation from it is apt to be noted and cenſured. For, however indifferent habits may be of themſelves, having, in their own nature, as little of prophaneneſs, or ſpecial demerit, as they have of holineſs, or ſpecial worthineſs, according to this Canon; yet they may be ſuch as ſhall not only be highly offenſive to ſober and ſerious perſons, but ſhall alſo denote a weakneſs of mind and a levity of temper in the perſon that wears them, that muſt inevitably hurt his character, and diſcredit his underſtanding. A man's garb doth often ſhew *what he is*. And in our profeſſion there needeth not any extraordinary humour of extravagance, or delicacy, to ſhew what *a man is not*, viz. that he is not a Clergyman, at leaſt that he is one who is not really deſirous to be thought ſo.

THERE is good ſenſe in an old ſaying, I think of St. *Jerom*'s, againſt all laboured elegance of dreſs in a Miniſter of the Goſpel, *ne calceamentis quidem decorem quærat*. Whatever may be remarked, in any part of his

his attire, betokening or giving ſuſpicion that his mind is ſwayed by any other motives than thoſe of cleanlineſs or decency, * according to his rank and ſtation in the Church, will as much tend to diſgrace his judgement in the eyes of ſober and wiſe men as to grace his perſon in the opinion of thoſe who are leſs diſcerning.

BUT, to come to a concluſion of this article. The points I have been ſpeaking to being duly conſidered, we can be under no difficulty in knowing how we may fulfil the end of this Canon, as circumſtances now ſtand with us. For, that end is as eaſily obtained under the preſent modes of our habit as it was heretofore. For, there are ſome parts of our peculiar dreſs, which will, at all times, and in all places, ſufficiently diſtinguiſh us from laymen, and which may without the leaſt inconvenience be worn on every occaſion that calls us abroad, and even upon journeys. Such badges of our order, for inſtance, as the band, hatband, or ſhort caſſock: which latter I the rather mention here, becauſe it falls in with one of the directions in this Canon, which is yet very practicable as well as decent: viz. *uti ne in*

* Veſtimentis etiam vel calceamentis niſi quæ honeſtatem & religionem deceant eis (ſc. Clericis) uti non liceat. Si quis autem contra hoc faeere præſumpſerit, & commonitus emendare noluerit, excommunicationi ſubjaceat. *Conc. Weſtmonaſt.* 1175. *ex Concilio Agathenſi. Spelman.* Conc. p. 104.

publicum

publicum niſi promiſſis veſtibus induti prodeant:* which *promiſſæ veſtes* are interpreted in a marginal note by *caſſocks*, and in the *Engliſh* verſion of the Canon by a paraphraſe, which implies a liberty of wearing them *ſhort*.

I THINK it quite needleſs to be more particular on this head, and ſhall only add a query upon a modern practice, admitted by ſome of our Order without ſcruple, and by none that I know of condemned.

THE caſe is this, and is pretty ſingular. There are certain places of innocent diverſion and entertainment, where Clergymen without their proper habit are allowed to appear without offence. But whether their appearing there, habited as Clergymen, might paſs without cenſure, is yet a queſtion. Indeed, their thinking themſelves obliged, when they reſort to thoſe diverſions, to go in a mere lay-dreſs, is a preſumption, that it would not be taken well if they appeared in that which is proper to their calling. Now I am not inclined to reflect upon any of my brethren, who think proper to take the benefit of this tacit indulgence, and accommodate their dreſs

* I read *promiſſis* from the *Latin* edition of the Canons in Dr. *Wilkins*'s Councils, inſtead of *premiſſis*, as it ſtands in all the other copies I have ſeen.

The marginal note is ſingular, being the only inſtance of that kind in the whole body of Canons. The paraphraſe in the *Engliſh* verſion is — *in their doublet or hoſe, without coats or caſſocks.*

ſo as to intitle themſelves to this connivance. But I apprehend it will not be eaſy to reconcile it with the general and primary intention of the Canon, which is, that all perſons in Holy Orders ſhall uſe the clerical habit, for this reaſon, *ut extra eccleſiam a populo diſcerni poſſent ac internoſci.* * And time was, when the prohibition of the uſe of our habit was inflicted as a cenſure.† But, although I will not blame others for joining with the laity in any amuſements that are innocent, and in a way that by cuſtom and in common interpretation gives no offence; yet, I will not ſcruple to confeſs, for my own part, that I never thought any entertainment worth my ſeeking, or receiving, if I were obliged to diſguiſe myſelf while I partook of it. For, what the world will not allow me to ſhare in publicly, with due credit to my Order, I had rather forego the ſatisfaction of, than take it on the terms of ſuch a whimſical and precarious courteſy. For, as their ſuppoſed diſallowance of our habit, on ſuch occaſions, if real, would be very unreaſonable, ſo their apparent civility and favour in the

* That they may be known by their diſtinct habits to be of that vocation. *Pref. to the Advertiſements.*

† All ſuch perſons as have been or be eccleſiaſtical, and ſerve not the Miniſtry, ſhall from henceforth abroad wear none of the ſaid Apparel of the form and faſhion aforeſaid, but go as mere laymen, till they be reconciled to obedience, &c. *Advertiſements*, 1564. *Sparrow*, p. 127.

matter,

matter, as now conducted, amounts to no more than a temporary connivance at the diſguiſe, under which ſome of us ſeek to elude their diſpleaſure.

BUT to proceed to the next Canon, intitled, Sober converſation required in Miniſters. And which, like the former, is no more than a re-publication of former Injunctions by *Henry* VIII.* *Edward* VI. and Queen *Elizabeth*, againſt Clergymen's reſorting to public houſes, to indulge there in riot and gaming. And, with regard to our obligations to it, it is ſubject to much the ſame † diſtinctions that I have been obſerving upon

* This Canon is taken almoſt word for word out of King *Henry* VIII's Injunctions in the 28th year of his reign, when he firſt exerciſed his Regal Supremacy. The Clergy were then Popiſh, ſave only that they acknowledged the King's Supremacy. See *Burnet*'s *Hiſt. Ref.* Vol. I. p. 225. See theſe Injunctions at length, Book III. Sect. 7. p. 160. Or in *Wilkins*'s Councils, Vol. III. p. 814.

The ſame Injunction is repeated among thoſe of *Edward* VI. in 1547. *Sparrow*'s Coll. p. 4. And is made an article of enquiry, at that King's Viſitation, by Archbiſhop *Cranmer*. See *ibid.* p. 27. And again by *Ridley*, in his Viſitation of *London*, Anno 1550. See *ibid.* p. 35.

It is again repeated at length in Queen *Elizabeth* her Injunctions, Anno 1559. See *ibid.* p. 69. And is made an article in her Viſitation the ſame year. *Ibid.* p. 177.

† From the relation of the ſubject-matter of this Canon to that of the former, they are comprized in *one* in the *Dublin Conſtitutions*, viz. Canon the 42d, under the title of *Soberneſs of converſation and decency of apparel required of Miniſters*. In which Conſtitution our 74th and 75th Canons are found *totidem verbis*, with this only difference, that the 75th is placed before the other. See *Wilkins*'s Councils, Anno 1635.

And

the preceding Canon, that is to ſay, the general clauſes are of perpetual obligation in their own nature, *viz.* "that we ſhould "occupy ourſelves with ſome honeſt ſtudy, "or exerciſe, always doing the things "which appertain to honeſty, and endea-"vouring to profit the Church of God, "having always in mind that we ought to "excel all others in purity of life, and "ſhould be examples to the people to live "well and chriſtianly." But then, as to ſome of the ſpecial reſtraints, they are diſcreetly limited in the Canon itſelf to certain conditions; for though, for inſtance, we are prohibited from "*reſorting to Taverns, or Ale-houſes, "or boarding or lodging in any ſuch places,*" yet this prohibition is qualified by an exception *for our honeſt neceſſities*; * and, as for the

And this union of them is quite agreeable to the old Provincial Conſtitutions, where thoſe which relate to the Apparel of the Clergy, are put under the general title *De vitâ & honeſtate Clericorum.* Tit. I. Lib. III. Where the ſummary of the firſt Conſtitution of *Stephen Langton* is thus expreſſed: — Omnes prelati hâc conſtitutione nominandi, in habitu clericali & cappis clauſis incedant: nec quivis clericorum comatus aut in laicali veſtitu niſi in caſu legitimi timoris eat. *Et omnes crapulam & ebrietatem vitare compellantur.* Lynwood, Edit. Oxon. p. 117.

* Clerici in ſacris ordinibus conſtituti, *edendi vel bibendi cauſâ* tabernas non ingrediantur, nec publicis potationibus interſint niſi peregrinationis *neceſſitate compulſi.* Si quis vero tale quid fecerit, aut ceſſet, aut deponatur. This Canon was transferred from the 3d Council of *Carthage*, by the Council at *Weſtminſter*, 1175. See *Spelm.* Counc. and Biſhop *Gibſon*, p. 184.

other

other ſpecial reſtraints, ſuch as the prohibition of cards, dice, and tables; they are things, in their own nature, as indifferent as the modes of Apparel are: And, though indeed they are in this Canon put upon the footing of *unlawful games*, yet they are not otherwiſe illicit, than as they are made ſo to certain perſons, for certain reaſons, by human authority, or rendered ſo by exceſs and abuſe: If any ſhall ſuppoſe that it is only this exceſs or abuſe of games or play that is forbidden in the Canon, I will not ſay but it will bear ſuch interpretation; for, as the foregoing prohibition, *nec potationibus & crapulæ ſe dedent*, does plainly relate to exceſs or the inordinate uſe of liquor; ſo the next expreſſion, *nec tempus interdiu vel nocte otioſe tranſigent in alea, chartis pictis, teſſeris, alliſve ludis illicitis exercitati*, may be levelled only againſt the uſe of theſe games in an immoderate licentious way, and at unſeaſonable hours; and not againſt a moderate and diſcreet uſe of them. Or, ſhould we interpret the expreſſion in the very ſtricteſt ſenſe, as requiring the Clergy *totally to refrain* from theſe games, as being ranked with other *unlawful* games; yet we are to remember, that what was prohibited as diſreputable to the Clergy, and unlawful as prohibited, in that age when theſe Canons were compiled, may, in theſe our times, be neither diſreputable, under a diſcreet conduct, (which condition is ſuppoſed,) nor unlawful,

though

though literally prohibited, through the open and avowed indulgence of thoſe who are the guardians of theſe laws.

THE credit, we know, or the diſcredit, of any actions or behaviours which are in themſelves of an indifferent nature, depends altogether upon modes and cuſtoms peculiar to the times, and on the opinions of men which are generally governed by thoſe modes and cuſtoms. It might be a maxim in former ages, that Eccleſiaſtics ought to ſequeſter themſelves from all ſecular amuſements, and on no account condeſcend to handle a card or a dye: and conſequently their doing ſo, eſpecially in any place of public reſort, might give very great offence. Yet the taſte of the world is now much altered in this reſpect; nor are offences taken at the Clergy, as formerly, for uſing theſe diverſions, ſo long as they do it with moderation. So that we are free from all other reſtraints, as to the exerciſe of theſe games, ſave that which is ſuppoſed to ſubſiſt in the wording of this Canon. Yet by this the Clergy can ſcarce be thought to be bound: for, ſo far as there is a relaxation of eccleſiaſtical cenſures, and even a ceſſation of enquiry from their Superiors into their conduct on this article, ſo far their obligations to refrain from theſe cuſtomary amuſements are relaxed. And, although theſe ſpecifying clauſes in the Canon may not be properly ſaid to be thereby abrogated,

abrogated, yet we may juſtly plead, for our non-obſervance of them, that general tacit diſpenſation, which I have ſo often referred to, in my former diſcourſes, as a ſufficient diſcharge, in all caſes, for receding from the ſtrictneſs of the letter of the Canons.

THERE is, therefore, no room left for cenſuring thoſe who claim this cuſtomary indulgence, and make uſe of it, ſo long as they do it with ſobriety, decency, and prudence. For indeed it doth ſtill import them to keep within theſe limits, or otherwiſe their conduct becomes hurtful to themſelves, and offenſive to others. Whenſoever this liberty becomes ſuch a ſnare to us, that it tempts us, as the Canon expreſſes it, to ſpend our time idly by day or by night; whenever it breaks in upon any of the duties of our calling, or puts us under the character and denomination of thoſe who do not occupy themſelves with honeſt ſtudies; in one word, whenever it diſqualifies us from being examples to others in living well and chriſtianly, then it becomes diſreputable and blameable; is ſure to fall under the cenſure of all conſiderate and diſcerning perſons who obſerve it, deſerve the cenſure of our Church-Superiors, and would fall under that too, if they were ſeaſonably apprized of our fault.

AND this, I think, is as much as I need to ſay on a practice, which, as the times are now, depends more upon cuſtom than upon rule,

rule, and is a matter of diſcretion rather than of Eccleſiaſtical Law.

AND, as for the laſt Canon, intitled, Miniſters at no time to forſake their calling, a very ſhort comment upon it will ſuffice.

THERE is a Conſtitution, in 1572, * to this effect, from whence I ſuppoſe this in the preſent Canons is immediately taken: with this only difference, that the expreſſion in the former, *nec ſe aut veſtitu, aut habitu, aut in ullâ vitæ parte geret pro laico*, is thus contracted in the latter, *nec in vitæ ſuæ inſtituto pro laico ſe geret*. The meaning of both is evidently the ſame, *viz.* that the Miniſtry, being once choſen by any man to be his profeſſion, muſt be made his profeſſion or chief buſineſs, and be diſtinguiſhed from the lay-eſtate in all its apparent characters, till that diſtinction ſhall by ſome judicial ſentence be taken away. Our entering into Holy Orders is indeed a free and voluntary act, but withal it is ſuch a ſolemn dedication of the remainder of our lives to the ſervice of the Church, as leaves us not a liberty to retreat at pleaſure from the duties of the function, or to caſt off the guiſe and external badges of our character, till we are ſtripped of them by ſome act of

* Semel autem receptus in ſacrum Miniſterium ab eo imposterum non diſcedet, nec ſe aut veſtitu, aut habitu, aut in ullâ vitæ parte geret pro laico. *Conſtit.* 1572. *Gibſon*'s Codex, p. 184.

deprivation,

deprivation, as ſolemn and authoritative as that of our Ordination.

AND this, I think, is all * that is implied in the words of the Canon, or deducible from them. And, that a Miniſter is not thereby prohibited from proſecuting any ſtudies, or exerciſing any arts, that are liberal and uſeful, though they be commonly ranked among the Lay-profeſſions, or temporal callings, ſuch as Law, Phyſic, Surgery, and, in ſome circumſtances, Traffic too. † There are meaſures and degrees within which a Clergyman may employ his peculiar talents for any of theſe ways, with profit to others and with credit to himſelf, without either abandoning his proper calling or being

* And is quite conſonant to the ancient Canons. Si quis Clericus, relicto officii ſui ordine, laicam voluerit agere vitam, vel ſe militiæ tradiderit, excommunicationis pœnâ feriatur. *Conc. Tur.* c. 5. And that other of the Council of *Chalcedon* — Eos qui Clero ſemel ordinati ſunt, ſtatuimus nec ad militarem expeditionem, nec ad ſecularem dignitatem poſſe venire. Qui autem hoc audent & non pœnitentiâ ducti ad id revertuntur quod propter Deum prius elegerunt anathematizari. *Beveridge's Cod. Canonum*, Vol. I. p. 119.

† By the ancient Canons, no employments ſeem to have been expreſsly forbidden but that of *the Army*. By the Apoſtolical Canons, the Clergy were forbid στρατείᾳ σχολάζειν, under pain of depoſition: which *Balſamon* and *Zonaras* interpret, not only of bearing arms, but of any kind of employ in the military ſervice. But there ſeems no warrant from the Canon to extend the word στρατείᾳ, as ſome would do, (ſee *Nichols*'s Supplement,) to all kinds of *ſecular buſineſs*. Nor indeed is there any neceſſity to conſtrue κοσμικὰς φροντίδας, in another Apoſtolical Canon, of *Lay-buſineſs*, or *Worldly buſineſs*, in general. For this means only what men renounce at their Ordination, viz. *the ſtudy of the world and the fleſh*.

remiſs or unfaithful in the diſcharge of his clerical duties.

INDEED, *baſe and ſervile labour* is prohibited in a former Canon. And every mechanical employment, *in the way of a trade*, is probably included in that prohibition, or, if it be not, it is too much of the eſſence of lay-buſineſs to be uſed by us without blame or diſcredit: only I would obſerve here, that, as the neceſſity of a mans circumſtances is a law of itſelf, when no other expreſs law interferes; ſo, if it can be ſuppoſed to have place in this kingdom, where there are legal proviſions for the Miniſtry, I ſhould imagine that a Clergyman, driven by mere neceſſity to ſupport himſelf by induſtry and labour, though in a properly lay buſineſs, would ſtand abſolved from all cenſure, eſpecially if he did at the ſame time fulfil, to the beſt of his power, the common duties of his vocation.*

IN a word, a Miniſter muſt do ſomething or other to ſhew a behaviour, which may juſtly be interpreted *a forſaking of his calling*, before he can incur the penalty of this Canon, which is no leſs than *excommunication*. A ſentence much too ſevere for thoſe occaſional

* And I apprehend thus much is implied in one of the *Proteſtations* to be ſubſcribed on admiſſion to a Cure, by *the Advertiſements of* 1564. *viz.* I ſhall not openly intermeddle with any artificers occupations, *as covetouſly to ſeek a gain thereby*, having in Eccleſiaſtical Living to the ſum of 20 Nobles, or above, by year. See *Sparrow*'s Collections, p. 128.

interferings

interferings in the occupations of the laity, which I have been mentioning; and yet altogether juſt and proper to be awarded againſt thoſe who totally, and, as the Canon puts it, *voluntarily*, *relinquiſh* the Miniſtry. Inſtances of ſuch abdications are, God be thanked, very rare. And inſtances of this penalty inflicted are rarer ſtill. For which neglect of Church-diſcipline, in ſo extraordinary and unuſual a caſe, there are, I believe, better reaſons to be given, than can be aſſigned for the unworthy behaviour for which the cenſure was intended.

AND here, my Brethren, I conclude what I had to ſay upon the ſeveral Eccleſiaſtical Laws, in which the parochial Clergy are more immediately concerned. Among which I have not omitted to conſider occaſionally thoſe ſtatute-laws, too, which any ways relate to the offices of our Miniſtration, as particularly on the article of Uniformity, and of the obligation to conform to the Rubric, as being Act of Parliament. But, as for the remainder of the ſtatute-laws, in which indeed we are intereſted very much, but which relate only to our temporal rights and poſſeſſions, and the manner of qualifying ourſelves for a legal claim to them, and the ways of reaping, maintaining, and holding them, and the methods of recovering them when loſt or unjuſtly detained from us, with every other right or privilege belonging to us,

which depends either on common or ſtatute law: I ſay, as to all theſe, though they make, when drawn together, a large body, which is not improperly called Clergyman's Law, and likewiſe contain an ample fund of profitable knowledge to us, I have two reaſons to induce me to forbear making them the ſubject of my diſcourſes to you.

ONE is, that, indeed, I have made them the leaſt part of my own ſtudy and enquiry, and am but ill qualified to give you any good advice or ſafe directions concerning them.

THE other is, that, were I ſo much a maſter of them, as to be able to diſcourſe never ſo pertinently and ſatisfactorily upon them, yet neither is this a court in which ſuch law-points ſhould be canvaſſed, for they belong properly to the temporal courts; neither am I of the profeſſion of thoſe Gentlemen whoſe province it is to diſcuſs, at leaſt in a public manner, and to determine upon ſuch matters: neither, laſtly, muſt I ſtand unadmoniſhed by what I myſelf have been juſt now ſuggeſting about the unſeaſonableneſs of incroaching (except on ſome extraordinary occaſions) on the proper buſineſs of the laity: who are apt enough to remind us of our treſpaſs, if they find we ſtray beyond the bounds and limits of our vocation. They, eſpecially, who lay claim to the buſineſs now under conſideration as peculiar to their own profeſſion, and tax us with going

out

out of our road, whenever we take upon us to give judgement on points of Common or Statute Law; and indeed with very good reaſon, ſhould we offer to do ſo in any open court.

I DO, therefore, very willingly reſign this whole branch of ſtudy and knowledge into the Common Lawyers hands, on whoſe opinion we may with the moſt ſafety rely, in all caſes where our temporal rights and properties are in queſtion, and determinable in their courts; and we ſhall find it employment enough in our own way, nay, and find it difficult enough, as I judge by myſelf, to get tolerably well acquainted with thoſe other laws that come within our proper cognizance, being purely eccleſiaſtical, and of immediate concernment to our Miniſtry.

A COMPETENCY of this knowledge becomes every Clergyman, though I fear it is generally too much ſlighted and overlooked by us, as of little account or conſequence in the preſent low and decayed ſtate of Church-diſcipline, and under the diſcouragements that the ſtudy and practice of the Canon-Law meets with, from the extent of juriſdiction now claimed by the temporal courts.

HOWEVER, as the nature of my office required that I ſhould turn my thoughts a little more to theſe ſtudies than I ſhould probably have been inclined otherwiſe to have done; and, as it is fit you ſhould ſhare in any benefits,

benefits, be they more or leſs, that I am capable of reaping from theſe ſtudies; I have endeavoured to diſcharge my own obligations, and pay the reſpects I owe to you, by collecting and propounding the moſt uſeful remarks upon the Rubrics and Canons that occurred to myſelf in a careful reviſal of them, with all the helps to aſſiſt me that came within my reach. And I ſhall be abundantly recompenſed for any trouble I have taken herein, if I may have reaſonable grounds to perſuade myſelf, that you are ſo good as to accept kindly from me what I have, according to the beſt of my abilities, drawn up on theſe ſubjects for your conſideration and uſe.

THE END.

MVSEVM
BRITAN
NICVM

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